THE RIGHTS *and* LIBERTIES OF THE CHURCH ASSERTED and VINDICATED,

Against the

Pretended RIGHT and Usurpation

OF

Patronage.

Dacier 2355

Luke 22. 25, 26.

---And they that exercise Authority upon them, are called Benefactors: *But ye shall not be so ----*

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M. DC. LXXXIX.

6

THE

LIBERTY

OF THE

PRESS.

UMI

TO

The Right Reverend,

THE

MINISTERS

OF THE

KIRK

OF

SCOTLAND,

Of the PRESBYTERIAN Perſwaſion.

The following DEFENCE, *of the* RIGHTS *and* LIBERTIES *of the* CHURCH, *againſt the pretended* Right *and* Uſurpations *of* PATRONAGE; *is moſt humbly Dedicated, by*

ROBERT PARK.

To the *READER.*

THe substance of the following sheets, was written many Years ago, mainly for the satisfying some scruples, of a worthy friend of the Authors. But the press hath for a long time, been so well guarded from the least breathing, against the grievances, this poor Church, and Nation groaned under, that the publication was but little thought of.

It having now pleased God, to raise up some worthy Instruments, to appear for the interests and Liberties of this broken Church and People, and to endeavour a redress of their manifold oppressions; It was thought convenient, to offer these Papers, to the publick view and consideration. I stand in too near a Relation, to the Author, to be thought impartial in his commendation. And tho' I could wish this discourse had got his own last hand, and that it had not been left to run the common fate of other posthumous works; yet I hope the main Subject will be found satisfyingly handled. There are besides some other purposes incidently touched, and many fountains for solution of several important debates of the time, solidly and succinctly opened; which if well considered, may be serviceable, for advancing a Reformation of many moe Abuses, than the particular design of these Papers intends.

I shall offer no Apology for the style. I hope it will be found distinct, plain and easie, and sutable to the Nature of the Subject. I know nothing a style serves for, but to express Men's Conceptions distinctly and without harshness: And if that may be attained, without forced and strained Rhetorications, which for the most part, produce no other effect, but *a Darkning of knowledge with words*; I cannot see, how a neglect of such useless Trifles can be blamed. The native beautie of truth, stands no way in need of these artificial disguises, that are used to set off adulterate wares. There are but too many in this Age, who have rendred both themselves and their discourses Ridiculous,

ous, by affecting new ſtrains of Eloquence, as they take it. The thinking part of mankind, is very ſenſible, that the neglect of a good old form, of ſound Words and ſafe Expreſſions, hath made People forget and miſtake, many Ancient and ſolid truths. It is Pitifully mean and unbecoming to ſee the Clergy (as they muſt be termed) turn the Pulpit to a Theatre, and to hear Divines, Trick up and illuſtrate their diſcourſes with the ſimilies and Expreſſions of a Comedy or Romance, *going down*, (as it were) *to the Uncircumciſed, for ſharpning of their Tools, as if there were no Smith in Iſrael.*

The ſubject of theſe Papers, is but very little treated of by any, eſpecially in this way. And therefore the publication may perhaps be as neceſſary as ſeaſonable. If it can in the leaſt be ſervicable, for freeing the Church, of any part of her bondage; I am ſure the deſign, both of it's Writing and Publication, will be fully attained.

I hope there will be few found ſo fond, of the Rights of Patronage, as to be of the Opinion of *Diego Laines*, one of the Fathers at *Trent*, who aſſerted, *That it was a motion of the Devil, to offer to reduce Elections to the Ancient courſe: And that the Antiquity of that method, was a bad Argument for Reviving of it: But that on the contrary, it ought to be ſuppreſſed, becauſe it was the Ancient cuſtome. For if the Church* (as he Ridiculouſly enough pretends) *had not found it inconvenient, ſhe would not have quite it.*

I ſhall only wiſh, that People in their ſeveral Capacities, may ſeriouſly conſider, what the preſent conduct, of providence, ſeems to call them to: And that they may Act, both in this and other matters, ſo, as not to be wanting to themſelves and their Poſterity, in the ſettling of affairs, upon the ſolid and laſting foundations, of *Truth* and *Peace*: leſt they verifie the Proverb, *Sero ſapiunt Phryges*. (which I need not tranſlate) And repent when it is too late, the loſs of ſuch a Golden opportunity, ſo wonderfully and unexpectedly, brought to their hand: And give the preſent and ſucceeding Generations cauſe to ſay, *why was there a price, put in the hand of a Fool to get Wiſdom, ſeeing he had no heart to it?*

Edinburgh, Febr. 1689.

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ERRATA.

Page 17, line 14, for the *Vandals*, read and since the *Vandals*. p. 28. l. 21. for Prelacy it was, r. Prelacy, I say, it was. p. 80. l. 14. for all Civil, read all other Civil. p. 82. l. 22. for as a most, r. to a most. p. 115. l. 26. for there, r. other. p. 160. l. 11, for much, r. as much.

A DEFENCE
OF THE
RIGHTS & LIBERTIES
Of the CHURCH,
In the *Election* and *Maintenance* of Her
PASTORS;
AGAINST
The *Negative* Intereſts of PATRONAGE.

SECTION. I.
An Account of the Original of Patronage.

I. THE Deſign I have in theſe few Pages, is to Demonſtrate from Grounds of *Scripture*, and Principles of *Reaſon*; the unwarrantableneſs and injuſtice of theſe Priviledges, Claimed and Exerted, in, and over the Church and People of God, by the *Patrons* of Kirks and Beneſices, in reference to the Call and Maintenance of the Miniſters of the Goſpel.

This I shall endeavour to performe, as distinctly, and with all the plainness, and Brevity, I can find the subject will admit: And that so much the rather, That I know, those for whose satisfaction I principally Write, are sufficiently capable to discover, the weight of Truth and Reason, without the attendance of any Rhetorical Excursion, or Embellishment of Expression. And if I Err in any thing, especially in matters, that are out of my common Road, I expect the Reader will be Candide and Favourable in his Censure.

II. The Method which I shall observe in the prosecution of this Design, shall be,

1 To give some short account, of what seems to have been the first Rise and Original of the Rights of *Patronage*; with a view of its several Branches, as it hath been Exercised, in, and over the Church of *Scotland*, in Relation to the Ministerial Call and Maintenance.

2 I shall endeavour to discover the Emptiness of these Grounds, that are, or may be adduced for a Foundation, to the Institution of *Patronage*: whereby it will appear, how groundless and unjust the Claims and Practices of *Patrons*, in this matter have been.

3. I shall offer some positive Reasons, against the pretended Right it self.

4. And

4. And lastly, I shall examine some Pretences, that may be alledged, for clearing that *Patronage* is not so injurious to the Interests of the Church, as it is represented to be.

To these Heads, as being the most material and needful, to be handled in a Subject of this Nature, I shall confine what I have to say; and thence it is hoped, any thing else that might be expected in Relation to this argument, will receive *sufficient* light.

III. The *right* of *Patronage* may be *defined*, to be *a Power to present and nominat, a person to be instituted in a vacant Church, Office and Benefice, by those who are, or pretend to be, the Founders or Doters of Kirks or Benefices. Potestas præsentandi, aut Nominandi instituendum, ad Vacans Beneficium aut Officium Sacrum. &c.*

I know There are many useless Debates, among the Canonists, concerning the Definition of Patronage, which I shall not insist upon; seing the Thing it self is by the sad experience of this Church and Nation, but too well known.

IV. Only I cannot omit to observe, that the very *Name* and *Title*, of *Patron*, is somewhat *ominous* and *unlucky*, as Importing a kind of Servitude and Bondage, upon the Church.

For as in the *Roman* Laws and Customs, a *Patron* (albeit the Name import Favour and Protection) was still understood, to retain a very hard Interest, in the Persons and Estates, of such Servants, as he had manumitted, and set free from their Bondage; and a Right of Reducing them to their former condition of Slavery, upon pretences of Ingratitude, or a Carriage any way unsuitable, to the favour of Freedom they had received; so sure I am, this pretended Right of *Patronage*, (of which we are to treat) hath in these respects, been very answerable to its Name, in restraining and impeding, (under the fair Colour of Protection) the Church and People of God, from the Free and Lawful Exercise of their Spiritual Liberties, and Priviledges, as we shall fully clear in the progress of this Discourse.

V. To come then to the first part of the method proposed, I shall not determine *the Time* when this *Corruption*, (for so I must call it, since *Vetustas Erroris non Consuetudo sed Corruptela dicenda est*) entred into the Christian Church. The Canonists themselves are not fully agreed as to this. It may be very clear in the General, That it was the work of *some time* and Pains, to bring the rights of Patronage, to that Form and Consistence

sistence in which they have been exercised over the Christian Church. *Patronage* was not an Institution, That was framed and received and perfected at one dash. It is also very certain that *ab Initio non fuit*. It was not so much as heard of, in the *pure and primitive* times, but hath been by small and insensible degrees dropt and sown, in the field of the Church by the *Enemy*, among other *Tares*, while men were *Asleep*, that is while the Church was unawars, and not so watchful as need was; so that 'its little wonder the particular time of the Entry of this power be hard enough to be condescended upon. Matth. 13, 25.

VI. It may likewise be very clear, That since the foundation of Patronage, was the *Building* or *doting* of *Kirks*, and that the liberty, of such *Building* and *Doting*, was not much allowed, and perhaps less practised, before the times of *Constantine* the Great, which was about the begining of the fourth Century; I say, from this it may be clear that before *Constantine's* time, the priviledge of *Patronage* could not be introduced.

VII. And tho' some may alledge that in the

year of Christ CCCC. The fifth Council of *Carthage*, and thereafter in the year CCCCII. the Council of *Millan*, both in the times of the Emperors *Honorius* and *Arcadius*, did desire of the Emperors, that there might be some *Persons considerable* for *wealth* and *Piety*, appointed for *defence* of the *Church*, in her Rights, and goods or patrimony against such as should attempt, any Invasion upon them; and that those *Persons*, came afterwards to get the name of *Patrons* or defenders of the Church: Yet these are not the Patrons we are Inquiring after.

Concil. 5. carthag. Can. 9. Council. Mile. vitan. Can. 16.

VIII For as this sort of *Patronage* was to be managed *cum provisione Episcoporum*, by the Advice and Consent of the Pastors and Office-bearers of the Church; so it was nothing else but a branch of the Magistrates Cumulative Power, *circa Sacra*, and only for defence of the Churches Patrimony, against Sacrilegious Misapplications, and no way concerned with the Call and Election of the Ministry: nor had this sort of *Patronage* any Privative, or Negative Interest, in their Stipends or Maintenance Neither were these Patrons, accounted Church Officers, as the Canonists will have the Patrons we are enquiring after to be; nor were those *Bishops* then Pa-

trons

trons themselves, because they were a part of the Church that was to be defended. *Et nemo potest esse sibi patronus.* Their trust was with the Church's consent, *Elective* and not *Hereditary*, and much less *purchasable* for *money* as a part of a mans privat *patrimony*, and Fortune. I conceive it will be needless, to add any thing farther, upon the difference, that is so palpably evident betwixt these and our pretended Patronages, tho' it may be said, that this Institution was in some respect the foundation of these patronages we are in search of, if we consider that as at the first appearance, this was a trust in it self not discommendable, but rather in some cases necessar and useful; so in after times it did by *little* and *little degenerat* into this pretended right of *Patronage* we are to treat of, to the subversion of the *Liberties* of the *Christian* Church. for whose defence in the Lawful enjoyment of her *Patrimony*, it was at first introduced And it may likewise be observed that those persons at the time of the Councils cited, were not called *Patrons*, but only *Ecclesiarum Defensores, & Ecclesiarum Exequutores*, vel *Advocati*; which clearly shews the Nature of that trust, to have been vastly different from the right of patronage, as it was afterwards practised. *Vide Carranz summ. Concil. folio 126. & folio 146.*

IX. But in the time of the Emperor *Justinian*, about the middle of the sixth Century, there appears some clearer Lineaments of the rights of *Patronage*; as in the *Novel* 57. and *Novel.* 123 yet even at this time, it is *vastly short* of that αξιωμα, it afterwards came to, under the protection of the Canon Law, and many are of opinion that at this time, this Power did not extend any farther, than to the presentation of the *Minores Clerici* (as they were called) and that it had no interest, in the *Election* of the *Pastors* and *Governours* of the Church (who were then κατ' εξοχην termed *Episcopi*) as they think is clear from the 123 Novel, where it is appointed, *ut ad Electionem Episcopi convenirent omnes Clerici & Primores Civitatis*: So that if by the Rules of Analogy, we may be allowed to draw this power of presentation or *Commendation*, as it was called, but not a *jus eligendi:* and apply it to our times, it will have place, in the Election of none of the Office bearers of the Church, but only in that of Readers, Precentors, Schoolmasters, Beddels and the like: For these are the Officers that correspond to the *Minores Clerici* of that time. And thence they conclude, that it can never be proven, that before the year DC. Patronage had any interest in the *Call* of the *Pastors* of the Church. X.

Novel. 57. & *Novel.* 123.

X. But be this as it will, it is pretty clear, that before these Novels, there was nothing like the priviledges of patronage in use: that right being not so much as once named, in all the former Laws of the *Roman* Empire, which were reduced and Compyled into a *Body*, by the same Emperor. And all the mention that is made of it in the Novels, is but in some few, to witt in the 1. 57. 67. 123. and 131. This may yet farther appear, from the very terms of *præsentatio, advocatio, guardias habere* &c. which have not the least scent of the *Sæcula purioris latinitatis*.

XI. And as the priviledges of Patronage, were late of entring into the Empire, so certainly they have been some considerable time in use in the Empire and Church of *Rome*, before they have been brought thence, and settled in *Scotland*.

XII But be the time of the entry of Patronage what it will, that which seems to have given the first rise and occasion to it, was, the *building* of *Kirks* and *Meeting-places* for the publick worship of God, or the allocating and giving *ground* to build them on, or lastly the *Mortification* or settlement of a *Benefice* or constant maintenance on such as should serve the *Cure* thereat: for upon such acts the *Founders* of Kirks and Benefices did *assume*, or as others

others pretend, did *Reserve* to themselves and their heirs in all time thereafter, a priviledge and power, to nominat and present those who should serve as Pastors at such a *Kirk*, and a sole Power of giving them a legal *Right* & *Title*, to the *Rents* and profits of the *Living* during their *Incumbency*. And that even albeit such founders had not built the whole *Kirk*, or settled the whole benefice, but only a part of them: for the Canonists maintain, that he who builds but *One* corner of a Kirk, hath a right to the patronage, as well as he that builds the other *Three*.

XIII. Many of the Canonists do grant, and it is very clear from the Canon law it self, that the patrons did at first assume this priviledge, rather by the *Connivance* of the Church, than by her express and deliberate *Consent*, and far less by her *positive* appointment and *Institution*. And even the *Council* of *Trent* does acknowledge, that in many cases, *Jus patronatus ex usurpatione quæsitum est*. The Patron on the one hand, counting this priviledge to be his due, in point of merit and desert, and looking upon it as no small degree of unthankfulness, in the Church, to gain say or oppose his claim to it. And the Church it may

Decretal. l. 3. Tit. 38. Ca. 3.

Concil. Trident. sess. 25. decret. de Reform. cap. 9.

may be alſo, thinking it hard on the other hand, in point of gratitude, to refuſe it: ſince the deſign of this priviledge, *primo intuitu*, might appear to reach no farther, but to preſerve ſome memory of ſuch good and pious deeds, that the *Benefactors* might not ſeem to have utterly loſt, what they devoted for pious uſes: it being indeed hard enough, at the firſt ſight, to diſcern, betwixt plauſible corruptions, and truly uſeful inſtitutions *Inter triticum & lolium* (ſayes Jerom) *Quamdiu in herba eſt; & nondum culmus venit ad Spicam, grandis Similitudo, & in diſcernendo aut nulla, aut perdifficilis diſtantia.*

So that by ſuch concurring circumſtances of ambition, on the Patrons part, and of indeliberate favour on the part of the Church, at a time, when the myſtery of iniquity, had already wrought to ſome ſort of perfection, (for even in the Apoſtles days it had begun to work) and when Superſtition and Corruption, as well in Worſhip and Doctrine, as in Morals, was much advanced, and humane Inventions were creeping in apace into the room of the ordinances of *Jeſus Chriſt*; The Church was by degrees robbed of her Spiritual Priviledges, that the aſpiring humours of the great ones, might be Gratified with her ſpoils, and that their great- 2. *Theſ.* 2. 7.

greatneſs might, under the ſpecious and plauſible Title of the Churches *Patrons* and *Defenders*, appear with the more luſtre and ſplendor before Men: It being eſteemed no ſmall Addition to their Honour, and to the Intereſt they had over People, as to their Bodies and Temporal Concerns, to be likewiſe inveſted with a priviledge, that in a manner gave them a preheminence, over Peopl's Souls and Spiritual intereſts; to that degree, that no Miniſter, without the Patrons expreſs and poſitive warrand and appointment, might have acceſs to ſerve *in Sacris*, at ſuch a Kirk, or have a legal Right and Title, to the rents and profits of a Benefice, tho' all others intereſſed, were ſatisfied to the full, with his ſufficiency, good Behaviour and faithful diſcharge of the duties of his function.

XIV. Theſe and many other Corruptions of this Nature, the Lord in his righteous Judgment, did permit in the times of Darkneſs, as tending to introduce and keep up, an Ignorant fruitleſs and Idle Miniſtry, that ſtudied to be pleaſers of men, and ſervants of their Luſts, (eſpecially of thoſe of their Patrons) that thereby, he might juſtly puniſh the World, for not receiving the love of the truth. And Particularly to puniſh, the unlawful invaſions, made by the corrupt Church-men and Clergy

Clergy of these times, upon the civil Powers; permitting them, to prey on each others Rights and Priviledges, *Jure quasi Belli, ac lege talionis*, till at length the whole frame of Church and state, was turned to a Babel of Confusion, and Egyptian Darkness. And tho' the practising of such usurpations, over the liberties of the Church, might in a time of darkness, be looked upon, as a sin of Ignorance or weakness, yet in such times of light, as God hath set us in, it must certainly be a sin of a higher nature and Degree.

XV. The *Superstition* of these times, still advancing, and particularly, that Anti-evangelical Opinion of *Merit*, taking daily deeper root, the Clergy (as they must be stiled) were not a wanting, to fish in these muddie Waters, and to make their best use of that occasion, by insinuating themselves, upon weak and well meaning People, (especially in the time of their Sickness) to make them part very liberally, with their goods and possessions, for the service of the Church, and pious uses, as they termed it. And they did so terrifie them, with the fears of Purgatory and Damnation for their Sins, on the one hand; and flatter them, with the hopes of Indulgences, pardon of sins and Prayers for their Souls, and the honour they would acquire

quire to themselves and their Posterity, by such good Deeds, on the other hand; that in a short time, the poor Peoples blind and superstitious zeal, was screwed to such a pitch, as nothing was sooner asked (especially if not to take effect till after their Death) than it was given: So that as the Apostle sayes in a different case, they would have *pluckt out their very eyes*, for the service of these rapacious Vultures.

Gal. 4. 15.

XVI. This is a Truth so inconteſtable, that the civil Powers in the most of all Christian States, found themselves under an absolute necessity, to put some stop to such a Torrent of ill disposed Charity, as was likely to terminate in the Settling of the whole Lands and Possessions, within their Territories, In the hands of a sort of Men, that depended upon a Foraign Power, and pretended to an exemption and independencie, from the Civil Authority of the States they lived in: As among many other Instances, that might be given, may appear from that one Law in our own Nation, prohibiting the disposal of Lands or Heritages by Persons on Death-bed.

XVII. It

XVII. It is well obſerved by the Noble *du Pleſſis*, that when the Chriſtian Doctrine and Religion began to be corrupted in the *Subſtance*, People endeavoured to cover their defection by retaining the *Shadow*, and to ſeem as Religious as ever, by building of Kirks, Chappels &c And that in Actions of this nature, the worſt of Men, were ordinarly the moſt forward and devout, that thereby they might obliterat the memory of their former vicious Lives and Practiſes, both in themſelves and others. This is indeed a clear Paraphraſe, upon our *Bleſſed Saviour's* charge againſt the *Scribes* and *Phariſees*, *That they tithed the Mint and the Anniſe, and omitted the weighter Matters of the Law, Judgment, Mercy, and Faith.* *Mornay, in his myſterium iniquitatis.* *Matt. 23.*

XVIII. Things being brought to this paſs, it is little wonder, that the humour of building and doting of Kirks, began to increaſe; and the number of Patronages by conſequence, to multiply: ſo that in a ſhort time, few Kirks or Congregations, wanted ſome one or other for their patron. And many times when Patronage could not be claimed, upon the account of the building or doting of Kirks, there was ſtill ſome body found, who under the leaſt ſhadow of Reparations or otherwiſe, and

and in default of all, the Pope of *Rome*, as pretending himself, to be patron *Supreme*, *Paramount* and *Universal* of all Kirks; and since the Reformation in this Church, our own Kings, as coming into the Pop's place (which by the way, is none of the most honourable Successions) assumed and usurped this Priviledge. So that in a small time, the Corruption was little less than universally spread.

XIX. Before we leave this Head, we may observe, that as that *Antichristian* Church of *Rome*, hath in most of her Institutions, still endeavoured to advance her own splendor and greatness, and her usurped Dominion, over the Church and Consciences of God's People, by an affected imitation of these interests, which the Secular powers of the Earth, have over the civil rights of their Subjects, expresly contrare to the Precepts of our blessed Lord, *Luke*, 22. Which in this case deserve a very serious and special consideration; so particularly, this institution of Patronage, hath been fixed or continued and improven, to make some sort of a resemblance and parallel, in the Church, to that of *Feudal Superiority* and *Vassalage*, in use betwixt great Men and their followers. This seems to be pretty clearly

Luke, 22. 25. to the 31. *Matt.* 20 25.

ly intimate, by the very word *Beneficium*, which in its more proper acceptation, signifies the same thing with *Feudum*, or a grant of Lands, by a Superior to his vassal, for military services; tho' by a kind of *Antinomasia*, that first signification, be in a manner now wholly disused, and the other of a Spiritual or Church living, commonly if not only, understood thereby. And hence it may be observed, that as Patronage was fixed, or continued and improven, in imitation of *Feudal Superiorities*, so as to order of time, its first vigor was not, till after the feudal Institution: For the *Vandals* (who gave the rise to the *Feudal Contract*) took the City of *Rome*, after the middle of the fifth Century. This may likewise confirm what was formerly hinted, that till the year DC. the Interests of Patronage, in the *Election and Maintenance* of the *Pastors* of the Church was not known.

SECT. II.

A general View of the Rights of PATRONAGE.

THe Canonists write of Patrons, as persons in some kind of office, & having right

to a sort of Stipend. The rights they ascribe to them are shortly these

1. First a *Jus Honorificum*, whereby the patron, had power to nominate the Pastor, and give him right to the Benefice, and to have a splendid and Stately Seat, and a Burial place, in the Kirk; and a right of precedency, among the Clergy, in solemn processions, visitations &c In which they could not lay aside, their Pride and Vanity, in their very neareſt approaches to God, in going about the Duties of his worship and service: Nor in the most humbling Circumstances of Death and Burial. And how suitable such practices are, to the faults, of the Scribes and Pharisees, *who did all their works to be seen of men, and loved the upper most Rooms at feasts, and the chief seats in the* Synagogues, *and greetings in the mercat place, and to be called of men* Rabbi Rabbi; for which, our Saviour so sharply rebukes them, any man may easily see. By this *Jus honorificum*, The Patron had also his name and Arms, and other badges of Honour, cut, engraven, or painted upon the entry, or walls of the Kirk, And upon the Bells, Chalices and other Utensils. And also was *nominatim* mentioned in the publick Prayers of the Church, which are

Matth. 23. 6.
Mark 12. 38.
James 2. 1, 2, 3, 4.

are all phariſaical Fancies of the ſame Nature.

II. Secondly, they aſcribe to the Patron, a *Jus Utile*, whereby if he, or his Poſterity became poor, and could not live *alimunde*, they were to be entertained and alimented, out of the Church Revenues, as ſome ſort of a recompence and retribution, for their having gratified the Church, by building and Erecting of a Kirk, or mortifying a maintenance for the Incumbents.

III Thirdly a *Jus Oneroſum*, whereby the Patron (as the Canoniſts tell us) was oblidged, to repair the Kirk, and defend its Rents, from Dilapidations and Miſapplications.

IV. To have yet a more Diſtinct view, of this pretended Right of Patronage. eſpecially as it hath been practiſed in this Church, theſe particulars, among others, may be conſidered.

Firſt, that the Right of Patronage, Imported a priviledge to *look out* (as the Apoſtles phraſe it) *Nominat* and *Elect*, the Perſon who ſhould be Paſtor, at ſuch a Kirk. I ſay, to *Elect*, for all that preceeds *Tryal* and *Admiſſion*, Is that which is properly called *Election*, as we ſhall ſee in the ſequel of this diſcourſe. Acts 6. 3

V. Next it Imported a power, to make this nomination and Election, without being tied or oblidged, to acquaint, or consult with either paroch or *Presbitry*, or even (during prelacy) with the *Bishops* themselves, who were *Ordinars* of the *Diocy*, in which the Kirk lay. And even, tho' the Lord in his providence, were offering the occasion of a Person more worthy, and better qualified for the charge, yet the Patron might nominat, and present, the Person, whom he at his pleasure had looked out, to the Presbitry or Prelates when in power, And require them by Law, yea charge them under the pain of Rebellion, (as the term is) To try and admit him, as Minister of that Kirk, if he were but fonnd, in the least measure *Externally* qualified, according to the letter of the Church Laws and Canons, for the Office of a Pastor in general; without any reguard of his being fit and proper for that particular People, or any other consideration: and that tho' the whole Congregation concerned should expresly declare their dissent, from the Patron's Nomination and Election, and had their eye upon another, indisputably more worthy and proper for the place, and much more acceptable to them.

Vide parl :1612. *cap* 1.

VI. The

VI. The right of Patronage, did also import the Priviledge of giving the only Legal Right and Title, to the Pastors maintenance, for serving the Cure at such a Kirk; so that if a Minister lawfully Called and ordained, had entered to the Kirk, and had proved never so laborious, faithful and successful, in the discharge of his Duty; Yet unless his entry had been by the Patrons express nomination and election, he might still claim and exerce a negative interest, to stop and interrupt the Minister, in the peacable possession and enjoyment of his maintenance, till he took and obtained a presentation from him; and that the Patron was not oblidged to give him, but at his own pleasure, and on his own conditions.

VII. Thirdly, the priviledges of patronage, descended from those who were the first Founders or Doters of a Kirk, or had otherwise right to the patronage, from Father to Son, *&c.* according to the common Degrees of Blood, and Rules of Succession, without the least distinction, whether the next Heir were capable to manage such a Trust, and to make a right choise of pastors or not: yea, tho' the next Heir were a Woman, whose Sex, and many Infirmities, both of Body and Mind, debarr her (for the most part,) from any medling in publick Affairs, even of a

Secular and Temporal Concernment, and much more in Ecclesiastical matters, in which the word of God expresly discharges her to be admitted to any voice: yea, tho' the next Heirs should be more than one, as in the case of Heirs portioners, in which, and many other cases, where the patrons happened to be many, they were either to concur (at least the major part of them) in the presentation, or otherwise they were to present *alternis vicibus*, conform to the Canon Law.

1 *Tim.* 2. 12.
1 *Cor.* 14. 35.

C. 1. *de jure patronatus in* 6. *Transmittitur hoc jus ad Hæredes, nec interest an plures Patroni sint, sive unus; dummodo si plures sint, in præsentando omnes, vel certe major eorum pars, in Eundem conveniant; ac possunt patroni inter se pacisci, ut alternis vicibus singuli præsentent.* This Right being accounted, a part of a mans privat *Patrimony*, which he enjoyed, and had secured & conveyed to *him, and his Heirs*, in the same manner as he had the rest of his Fortune and Estate.

VIII. Next, not only was this priviledge *Transmitted*, to such as were the Patrons neareſt *heirs*, but also, those that were invested, in the present Right of it, might and did, *sell* and make over the same, to whomsoever they pleased, in the same manner, as they might dispose, of any other thing, that

fell within the Compass of their *Private Patrimony*. And that without making any Distinction betwixt the selling of the Right of Patronage, alone, and by it self (which the Canonists themselves acknowledge to be grosly *Simoniacal*) and the selling of the lands, to which the Patronage is annexed; in which case the Canonists declare, it is Simony, to take any Addition of price, for the Lands, upon the account of the Patronage annexed: which our Patrons did not in the least notice. And the very Council of *Trent* it self prohibiteth such *sales*, under the pain of *Excommunication*, and *forfeiture* of the Right of Patronage, to be incurred *ipso facto*. In this (to our shame it must be said) the Papists shew more Conscience and tenderness, than our own Laws, and the most of our Patrons do. They also discover more tenderness, in respect of the persons capable to be invested with the right of Patronage, when they maintain, that the patron looseth his Right, and the Kirk becomes free of the servitude, *si patronus sit hæreticus*: whereas on the contrar our patrons, might and did *sell* their Rights, to any they pleased, yea even to Papists, and such as were under the highest Church censures.

Concil: Trident: sess: 25 decret de reform: cap: 9.

IX. Farther, (as I have already hinted)

all the Patronages, that before the reformation, did belong to any Religious houſes (as they are termed) or to the Pope, as patron *Supreme*, *Paramount* and *Univerſal*, and all other Patronages, to which, another perſon, could not inſtruct a ſufficient right, were taken into the Kings hands, as ſucceeding to, and coming in their places, and were by him diſpoſed upon, to whom he pleaſed, by rights under the *Great Seal* &c And the truth is, this is a ſort of ſucceſſion, very ſutable to the Kings other pretences of Supremacy, and Headſhip of the Church, which in effect make him a new Pope, in a reformed Church, *Rex idem hominum Phœbique Sacerdos*, as if the deſign of the Reformation had not been, to *ſeparate* our ſelves from the unjuſt and antichriſtian power, uſurped over the Church, by the Popes; but meerly, to *transfer* it, from *Italy* and the Biſhop of *Rome*, and lodge it, in the perſon of the Prince, among our ſelves. And hence it is cleare, that tho' there be an ordinar diſtinction of Kirks, into elective and patronate, which ſome urge for a connivance at Patronage; yet with us, there remains not the leaſt ſhadow, of an elective Kirk, in the whole nation.

X. Seventhly the Canoniſts tell us, that the right of Patronage, was often granted, to

to such as had not in the least been Benefactors to the Church, in the Erection or doting of Kirks; And that *per modum specialis privilegii*, granted be the Pope. *Solent enim pontifices, nonunnquam se decretorum Dominos, ac Conditores ostendere.* That they may let the World see, they are the *absolute Masters*, & unaccountable Arbiters, alse well as the Makers of the Canons.

XI. Eightly, the Canonists also tell us, that the patron may commit and *Intrust*, his power of presentation, to any other specially authorized for that end. And thus we have frequently seen among our selves, the Factors and *Chamberlanes* of Noblemen and others, act by vertue of such *Commissions*, in these matters.

XII. And lastly, they also tell us, that such patrons, as are precisely past seven years of age, and far more such as are within minority, may present *by themselves*, without the advice or concurse of their *Tutors* and *Curators*, tho' some of the Canonists do require, that *Tutors* and *Curators* do it *in their Name.*

SECT. III.

SECT. III.

The Opinion of our Reformers &c. concerning PATRONAGE.

1. AS this corrupt custom of Patronage, spread over the Church in general, so we find the Church of *Scotland* in particular, wanted not her share in the common Calamity. And accordingly we find this pretended Priviledge, zealously witnessed against, by our worthy *Reformers*, who vigorously pressed, for the removal of it And we find also that other Foreign Churches were sensible of the bondage, the Church lay under, by these priviledges. I cannot stay to insert testimonies at large, the Reader may fully satisfie himself, in the matter, if he will be at the pains to look over the first and second Books of Discipline, of this Church, the Acts of our general Assemblies, and the Acts of the Famous Synod of *Dort*. As for the opinion of particular Divines tho' they have but very little medled with these Matters, yet when ever they touch them, they declare them to be

1 Book of Disciplin head. 4
2 Book of Disciplin cap. 3. *and* 12. *Gen. assemb.* 1562. *sess.* 3 *Gen. assemb.* 1586. *sess.* 5. *Synod Dordracen*

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a very grievous and burdenſome uſurpation, as in ſome meaſure we may have occaſion to ſee, in the following part of this Diſcourſe.

II. And truly no leſs could be expected from men of ſo much Piety and Zeal, for the Glory of God, and the Intereſts of his Church, ſince even the moſt corrupt aſſembly that ever met, I mean the Council of *Trent*, is forced to acknowledge, the great prejudice, the Church ſuſtains, by the Rights of Patronage, as is clear from what is already hinted and from their other decrees, in the years 1551 and 1563. And before them the provincial Council at *Mentz* in *Germany*, in the year 1549, was very ſenſible of the injuſtice and oppreſſion, of theſe Privileges: as we may have occaſion to mention hereafter.

Conc. Triden. Seſs 25 decret. de Reſor. cap. 9. Seſs 14. decret. de Reſor. cap. 12 & 13 & ſeſs. 24. decret. de Reform cap. 18 Conc. Mogunt. cap. 68.

III. But after the *Shaking* that theſe Rights of Patronage got, at our Reformation from *Popery*, the alteration of that comely and orderly Church Government, inſtituted by *Jeſus Chriſt*, and which we received both with Chriſtianity it ſelf, and in a ſpecial manner, with our firſt Reformation from *Antichriſtian* darkneſs, and under which, ſo many abuſes, both in Church and State, were

ſo

ſo happily taken away, and ſo much of the purity and plenty of Goſpel Ordinances, with a moſt wonderful Succeſs eſtabliſhed; The alteration, I ſay, of this our Presbiterial Government, into Prelacy, gave this Corruption, and many others new Root. For under prelacy a Government firſt and laſt violently obtruded upon this Church, contrary to the inclinations of the Nation, without any warrand from the word of God, or example either in pure antiquity, or other reformed Churches abroad, for no other end, but to bear down, the juſt and neceſſary Liberties of the Church, in the reproof of ſin, and in the Exerciſe of diſcipline, and to be ſubſervient for carrying on, the bad deſigns of a corrupt court party, for enſlaving of both Church and State, and conſtantly attended, with a moſt Viſible and General defection, both in Worſhip and Morals. Under this Prelacy it was, that this and many other corruptions, and ſuperſtitions, were vigorouſly advanced and ſupported The Prelats leaving no means unaſſayed, to inhaunce all the Patronages they could in their own hands, or in the hands of ſuch, as would contribute their power and intereſt, to promote the deſigns then on foot, for enſlaving this Church and Nation, under a yoak of Bondage and Superſtition, and

to

to keep out all ſuch, from any acceſs to the Work of the Miniſtry, as were in the leaſt ſuſpected, of a deſire to croſs theſe ill deſigns: ſo that at length, the Right of Patronage, became ſo rooted and fixed, and ſo twiſted and inter woven, with other ſecular and civil intereſts, that it was expreſly avowed and pleaded for, as a part of a Mans *private Patrimony*, the Rights whereof he had ſettled and confirmed *to him and his heirs* after him, as theſe of his other eſtate, by *Charters* under the *Seals* &c. And might Lawfully ſell and diſpoſe of it, to whom he thought fit, as well as the reſt of his Fortune: And from which he could not be excluded, without the higheſt injury and injuſtice.

IV. Theſe Exorbitancies of patronage, already mentioned, with many others too tedious to relate, (wherein our Patronages, are many times very different *to the worſe*, from theſe in the *Canon Law*) a man in reaſon would think, might be ſufficient without any farther enquiry or debate, to determine us againſt ſuch a Priviledge. But ſince this (as well as other corruptions) is to this day, by ſome perſons, with ſo much heat and vehemence aſſerted, and defended, tho' the juſtice of the publick Authority of the Nation, in aboliſhing theſe priviledges was in the year 1649,

1649, and several years thereafter very cordially acquiesced unto by the most of those, who had the largest share of them: I shall therefore in the next place, according to the method proposed, with all the plainness and brevity I can, enquire into, and examine the Grounds, which are, or may be adduced, for a Foundation to the Rights of Patronage, which will yet farther discover the injustice and unwarrantable burdensomness of this priviledge.

V. I hope I need not advertise the Reader, that it is not my design to fix the guilt of all the abuses, with which I charge this pretended Priviledge, upon all the Patrons in the Nation: I know many of them are, and have been, very pious and worthy Persons, and have been honoured, even in that capacity to do the Church very good service, by looking out of honest and faithful Ministers, in some times of defection. But after all I must in this distinguish, betwixt the *intentio Rei*, and the *intentio Personæ*, or betwixt the tendency of the Institution it self, and the honesty of some Men, that have managed the same; it being the Law of God, and the Principles of Justice and Reason, and not men's Intentions, that specify their Actions to be good, or bad, as is very evident (to instance no farther

ther) in the case of *Aaron's* Golden Calf, and *Jeroboam's* Calves at *Dan* and *Bethel*, which they intended for the true Worship of the God of *Israel*; and yet the Spirit of God tells us, it was for the Worship of Devils, (which clearly overthrows all the *Jesuitick* quibbles, about a right intention) And I must also say, that all the good that ever the Church had, or can have by the Right of Patronage, can never countervail the trouble and damage it hath occasioned.

Exod. 32. 45. *Rom.* 1. 23, 24, 25. 1 *Cor.* 10. 7. *Act.* 7. 41. 1 *Kings* 12. 28. 2 *Chron.* 11. 15.

SECT. IV.

The Ground and Argument for Patronage, *from a* Reservation *by the first Founders, Examined.*

I. THe first, and main, if not the only Ground, that with any colour of reason can be urged, for a Foundation to the Rights of Patronage, is this; That it seems most undutiful and unreasonable, to deny that Priviledge, to such as have deserved so well of the Church, by building of Kirks, and bestowing of a constant Maintenance, on such as

as ſhould ſerve the Cure thereat, and which priviledge at the time of the *grant*, they expreſly *reſerved* to themſelves, and their *heirs* after them, & whereof they accordingly have been ſo long in poſſeſſion: and that, if this priviledge be denyed, it will prove a great diſcouragement, for any to gratifie the Church, with ſuch favours, for the future.

II. This being as I have ſaid, the main ground, that can be urged in this matter, I ſhall take the more pains diſtinctly to diſcuſs it.

For anſwer then to the firſt part of the pretence, from the *Reſervation* of Patronage, by the firſt *Founders*, and *Doters* of Kirks and Benefices, Theſe things may be conſidered.

III. Firſt, that if the Patrons will needs ſtand upon this pretence, of a *reſervation*, may we not on much better ground, retort, that the Patrons have forfeited their rights, if they had any, by their not performing theſe *conditions*, on which only (if we may believe the Canoniſts) the Pope, and other Biſhops, granted, and the patrons accepted, the rights of Patronage? *viz* That the patron ſhould be oblidged, to *uphold* and *repair* the Kirk, when it is *like* to *fall*, or proves *ruinous*. 2. That he ſhould be oblidged to *rebuild* it, if it were *burnt* or

or *shaken down*, by an *Earthquake* &c. 3. That he should be oblidged to *defend* the benifice from being *dilapidat* or *misapplyed*, and that he should take care, that on all occasions the *Pastors* were *furnished*, with a due *maintenance*. And as it is sufficiently known, how unsutably the Patrons have acted to all these obligations, so the burden of the most, if not the whole of this charge, is by Law laid upon the *heretors* and *People* of the respective *paroches*.

IV. Next, I shall but mention what I have formerly marked of the Patrons forfeitur of their rights, by the *sale* of their Patronages, contrare to the *Prohibitions* of the Canon Law and the Council of *Trent* it self.

V. The Patrons must not take it ill to be told that the pretence of a *reservation*, unless it be *produced*, is but *gratis dictum*, and can never be sustained, as being against the general *presumption* of *liberty*; whereas all *Servituds*, such as Patronage is acknowledged to be, are never *presumed*, but most be *positively* and *evidently instructed*. And therefore let them pretend what they will, I must make bold to ask them, *Quomodo constat* that ever such a *Reservation* was made; If they cannot produce somewhat else, beside their own assertion, we must tell them, that *de non existentibus, & de non apparentibus idem est*

Judicium: a thing that *is not* at all, and a thing that *appeares not* by *evident proof*, are in the same case, And there is no right or claim can be founded or sustained upon either of them

VI Fourthly, it is very improbable, that at a time in which *Ignorance* did so much abound, & that the most part of all Transactions and Conveyances, even of the most important rights, were performed, without the *Interposing* of any *act* or *deed in Writting: use* and *wont*, and a sort of *moral honesty*, being, the *best securities* any man had; I say, it is very improbable, that at such a time, the building and doting of Kirks, was managed in so good form, as to have any *written act* or *Instrument*, either for the building or the doting, or for the *Reservation* of the right of Patronage, upon that account. And consequently it is highly improbable, that ever such *Reservations* can be instructed, or produced. And it is most certain, that in these times when Kirks were first built, and benefices setled, the *Ignorance*, or if you will the *simplicity*, both of this, and many other Nations, was such, as we have described, and in some places continues so to this day, as (to instance no farther) may be seen, in some of the remot corners of *Scotland*, especially these of

of the northern Islands, of *Orknay* & *Zetland*, where the *Udal Rights* (as they term them) are in use, and where Civility, Learning and good policy have not yet so far prevailed, as to wear out that old custom, albeit it be worn out of most of the other parts of the Land.

VII. Fifthly, as we have formerly observed, the Right of Patronage at first, was rather an *after-Game*, that *creept in clandestinly*, and by *stealth*, upon the Church, than the effect of any *positive* institution, or of any *express reservation*, made at the time of the *founding* or *doting* of Kirks. And tho' there may be some Kirks and benefices, that in latter times, have been built and setled, since Learning and policy began to flourish in some greater measure than formerly, whereof the first and *original foundations*, bear such a *reservation*; yet as the number of such will be found to be very small, so these can say nothing, for a ground to the Rights of Patronage, *in general*.

VIII. Sixthly it is undenyable, that the most part of Patronages are grounded upon meer *custom*, and *frequent acts of presentation*, without the least pretence, to any *reservation* of this nature; or they are founded on ancient *prescription* past memory of man (and perhaps declaratory sentences may be

obtained thereon) as both our own *Lawyers* and the Council of *Trent* do acknowledge: and thence that Council, doth rationally enough conclude, that in many cases *Jus patronatus plerumque ex usurpatione quæsitum est*, that is, that for the most part it is usurped without any warrand. And upon the same ground perhaps it is, that one of the most judicious of our own Lawyers, does so much insist upon ane *expres reservation*, as necessar to the *Constitution* of Patronage; tho' perhaps he may allow presumptions of long possession, frequent Acts of presentation and Infeftments from the King, to be sufficient *in foro Juridico*, to infer that *reservation*, and to sustain the right of Patronage, according to the course of our customs, which in this case were founded upon the Canon Law, before the Reformation, and were not antiquat by any publick constitution long after that time.

Concil: Trident sess: 25. decret. de reform. cap 9.

Sir T: Hope. 2.

IX. Seventhly, the Patrons shifting to old Characters and Impressions, upon the Kirk walls, Bells, Chalices and other Utenciles, for probation of their Rights, does clearly acknowledge, they can instruct no such *Reservation*.

X. Eightly, the Canonists do grant, that the

the Right of Patronage was ordinarly constitute otherways than by such *Reservations*, when they tell us, that the Pope *per modum privilegii*, conferred this Right on whom he thought fit, tho' they had never bestowed a Farthing upon the Church, as we have marked in the beginning of this discourse.

XI. And lastly, the same Canonists do also acknowledge, that the Right of Patronage, hath been obtained many otherways, than by such *reservations*: for tho' the founders had never claimed the Right of Patronage in their own time, nor their Children after them; yet they tell us, that the founders posterity, for some Generations after, might, and frequently did, obtain a grant of the Right of Patronage, with the clause *ex nunc, ut ex tunc* &c. And it is little to be doubted, but that *in re antiqua* such as this necessarly behoved to be, the Pope and *Roman Chancery* were frequently influenced by the interest and power of parties, and other By-considerations, to content themselves with very slender proofs, either as to the persons who were the Founders, or as to the Relation of those who claimed the Right, upon the account of their propinquity to them, especially when no other person appeared to oppose their claime: and it is very probable that (as in many other cases where Rights or

sentences are exped *absente Reo*, they might be satisfied with a naked alledgance, as to both these points, without any farther, if there was but the least pretence of a general Citation &c. to infer contumacy for not compearing.

SECT. V.

A farther examination of this Reservation, *from its own Nature, and from the Nature of Pious and Charitable Deeds;*

BUT not to insist any farther on these grounds, we may observe in the next place, that such *Reservations*, tho' they were clearly Instructed in all Patronages, and that other methods of constituting these Rights had not been used; yet these *Reservations* cannot be here regarded. For as Lawyers tell us, unlawful Conditions adjected to a grant of any thing are null and ineffectual; and they deliver it as a rule that *conditio illicita habetur pro non adjectâ*. And therefore such a *Reservation* as this of the Right of Patronage, in the foundation of a *Kirk* or *Benefice*, being in it self a Sinful and unlawful *condition*, without any warrand from the word of God, contrare to the

the Churches true Freedom and Intereſt, and inconſiſtent with, and deſtructive of theſe Spiritual Liberties and Priviledges conferred upon her, by *Jeſus Chriſt*, her only Head and Law giver (as we ſhall fully demonſtrate in the ſequel of this diſcourſe) it muſt be looked upon, as if it had never been *made*, nor intended either to be *claimed* or practiſed. *Et quod ab initio non valuit, tractu temporis convaleſcere nequit* That which was void and null from the beginning, can never be made effectual, by any tract or courſe of time, how long ſo ever. So that ancient poſſeſſion, can be no better Plea in this caſe, than it could be for many other unqueſtionably unlawful and ſuperſtitious cuſtoms.

II. But in the next place, it may be obſerved, that who ever builds a Kirk, or gives ground for that uſe, or ſettles a maintenance on the the Incumbents he does it either.

1. *Per modum debiti*, by way of debt or duty, or

2. He does it *per modum Eleemoſynæ*, That is by way of Almes or free Charity. or

3. He does it, partly *per modum debiti* and partly *per modum Eleemoſynæ*, partly the one way, and partly the other. or,

4. Which is worſe, he does it from a *Phariſaical principle* of *Vain glory*, and to be ſeen of Men. or,

5. Which

5. Which is worſt of all, he does it out of an *Opinion* of *Merit*, thinking that he can thereby deſerve Life and Happineſs at the Hands of God.

III. To apply this diſtinction to our preſent purpoſe, let us conſider.

1. Theſe who has conferred ſuch good offices on the Church, as the building or doting of Kirks, *per modum debiti*, are ſuch as are Heretors or Proprietars of the whole Lands and Rents, within that bounds, in which the Kirk is ſituat, and for the benefit and convenience of the Inhabitants whereof. The Kirk is built, or the Benefice ſettled. And this ſort of *Benefactors* do no more in this, but what by the *Light* of *Nature*, and *Law* of *Nations*, and much more, by the *Revealed Will* and *Law of God*, and the *Municipal Laws* and Cuſtoms, of the Chriſtian ſtate in which they live, they are obliged, and might be legally compelled to do.

IV. For as it is a Principle acknowledged all the World over, that all reaſonable Creatures, and much more Chriſtians ought not only privatly and in ſecret, by themſelves and in their Families, but alſo, joyntly, ſolemnly and in publick, to worſhip and adore, that Almighty God, who is the firſt fountain and author, and the ſoveraign

Lord

Lord and Arbiter, of their lives and beings, and their Sole and only Saviour from the guilt and punishment of Sin: and on whom they must necessarly depend for every minuts preservation, and for all their Temporal Happiness here, and Eternal Happiness hereafter: so in consequence of this *Natural* and *moral* duty, they are also oblidged to have Temples, or large and convenient Meeting places (as the word signifies *Templum quasi tectum amplum*) for that end, where they may be covered and sheltered from the injuries of the weather, in going about these duties. As also in consequence of the same duty, They are likewise oblidged, to settle a sutable maintenance, on such as are sequestrate and set a part from all other Imployments, to attend this Worship and Service, and to instruct their People in the Mysteries of Religion. *Quando enim aliquid conceditur, id etiam concedi videtur, sine quo concessum subsistere non potest.*

And accordingly we find the practice of all Nations, in all ages, how barbarous so ever hath been sutable hereunto.

V. And therefore this being a Natural and acknowledged duty, the burden of it must necessarly be charged upon such as have the *only interest* and property in the Lands and Rents, within that bounds: so that we may safely

safely conclude, that such Benefactors as these, are so far from *deserving* such a Priviledge over the Church, and her Liberties thereby, that (as our Blessed Saviour says) *when they have done all that is Commanded them to do*, they must acknowledge themselves, *to be unprofitable Servants, and that they have done nothing but what was their duty*. Luke, 17.

VI Next, such Heretors and *Proprietars*, tho' the whole charge does Naturally ly upon them, yet they have alwayes the concurrence, of the rest of the Inhabitants of the bounds (tho' these have no interest of property in the Lands) And thereby a *Proportional* and perhaps a *greater releife* of the *burden*: So that such Benefactors do not in that case so much as their duty oblidges them to do, and therefore they do still less deserve such a priviledge.

VII. Lastly we do not find that any of the People or Princes of Israel such as *David, Solomon* &c; for all the vast expence of treasure, they laid out, upon the building and repairing of the Temple at *Jerusalem* once and again, or upon the many Synagogues, that were spred up and down the Land, some whereof were built, at the privat charge of single persons, And those Strangers and Foraigners too, who were under Luke 7ib.

no

no obligation, by being born within the Land so to do; I say, we do not find, that any of those Princes or people, for all the vast expence they were at, did ever lay claim to the least shaddow, of such a priviledge, in reference to the Call and Maintenance of the Officers of the Church.

VIII. And under the new Testament, we find as little mention of such a priviledge; for all the large possessions and donatives that were bestowed by the faithful, upon pious uses, were given freely and frankly, without reserve. *Acts* 4. 32: *to the end* 2 *Cor*: 8: *Philip*: 4: *Rom.* 15. 1. *Cor*: 4: *Gal*: 6.

The practise of *Ananias* and *Saphira*, and of *Simon Magus*, do indeed look another way; But sure I am, neither their actions nor approbation, will incline any man that is not altogether deserted of God, to an imitation of their example. The native use we are to make of these Beacons, so *early* set up in the Christian Church, is to Caution us from Steiring near these rocks, on which they Split.

IX. The second sort of Benefactors mentioned, *viz* those who confer favours on the Church, *per modum Eleemosynæ*, or by way of pure almes and free Charity, are such persons as having no civil interest or estate within the

the bounds, do build a Kirk, or dote the same with a maintenance more or less, meerly from a principle of Compassion to the people, who dwell therein, and perhaps ly at a great distance, or otherwise inconveniently, for other meeting places of publick worship; with a single heart for advancing the Glory of God, and for promoting the spiritual interest and welfare of the Souls of his people. These tho' they be the only persons, that can be said to confer real favour on the Church, and to do true acts of Charity, and so may seem to have a much fairer pretence to claim the Right of patronage, than any of the other Benefactors, I mean the *first Donors* themselves (for as to *heires* and *successors*, they are terms very unsutable in this affair, as I have already hinted, and shall yet farther cleare) yet with all, we must still conclude, that even those can be allowed no such priviledge.

X. First, because the design and nature of such good deeds, can never be constructed so, as to deprive the Church of her freedom of Election, which she enjoyed before such a grant: For this would truely bring those Benefactors under the guilt of a design of *Robbery*, which is absolutely inconsistent with, and destructive of the nature and design of Charity.

XI. For if such favours be really conferred on

on the Church *per modum puræ Eleemosynæ*, or by way of pure Charity, there can be nothing more unsutable, to the nature or design of alms-giving, or more destructive of it, than either to assume, or expect, a recompence of gain, applause or any other temporal reward; and much less can such an enslaving priviledge, as this of Patronage be expected: For *almes* as *almes*, look for no recompence or reward, from those on whom they are bestowed, save that of a blessing from the Lord, to whom Gifts of that nature are said to be lent, and who hath engaged to repay them accordingly. And the ordinat *reddendo* of *pia animarum suffragia*, from those who receive the *Almes*, cannot be otherways understood, in any sound sense. Thus *Job* glories, that the *Blessing of him that was ready to perish, came upon him*: And surely, he that takes or expects any other return *hath his reward* (as our Saviour sayes) and can expect no other. So that he who by such good Deeds, expects to obtain either a *Jus Utile*, or a *Jus Honorificum*, especially that part of it, which is so prejudicial to the Church, *viz.* the Patron's *negative* Interests, in the Election and Maintenance of the Ministry, seems to say as much as

Job 31. 16 *to* 24 *Job*: 29. 13. *proverbs* 19: 7. *mat*: 6

as that he neither is *that chearful and liberal Giver, whom the Lord loves*: nor that he looks upon God, who hath promiſed to pay and requite him, to be a ſufficient Pay-maſter, and therefore that he will betake himſelf to a recompence, by this unſutable reſerve.

XII. Secondly, That which is once given away, and conſecrate to the Lord for pious Uſes, is no more his that gave it, as is clear from the caſe of *Ananias* and *Saphira*, and therefore no man can expect to retain any private Intereſt in it. It is elegantly ſaid by *Emanuel Comnenus* the Emperor, *Chriſtum hæredem ſcribere quis videtur, cum pauperibus ſubſtantias ſuas dividi præcipit: cum enim Mendicans accipit Chriſtus aſtat, ac una cum illo manum porrigit: Quatenus namq;* inquit, *uni ex minimis hiſce meis fratribus feciſtis, mihi feciſtis*, &c. That is a man ſeems to deſign Jeſus Chriſt for his Heir, when he ordains his goods to be diſtribute to the poor, for when a beggar receives Almes, Chriſt himſelf ſtands by, and ſtretcheth forth his own hand with him, for *in as much* (ſays he) *as you did it to the leaſt of my Brethren, you did it to me*, &c.

Acts 5.

Novel. 1. de execut. Teſt.

XIII. But to clear this yet farther, it may be obſerved, that any Right a Patron can pretend

tend to give a Paſtor, to his maintenance, is *quoad* the Paſtor, but a groundleſs pretence, and ſo a *ſupervacaneous* and uſeleſs grant, the Paſtors Right to his maintenance, being fully eſtabliſhed in his perſon, by his lawful Call to the Miniſtry, and his faithful diſcharge of it: So that unleſs the Patron will pretend, that he can put a Miniſter in a *ſpiritual capacity*, and ſo claim the power of *Ordination*, (which is indeed Chriſt's Power committed to his Miniſters) as well as that of Election, he can give him no right to his maintenance, but ſuch as will be ſuperfluous: For as *abundantia non vitiat*, ſo neither does it ſtrengthen or confirm a right: And tho' what the Patron gives, ſhould be granted to be a confirmation, yet it can give no new right, (*confirmatio enim nihil novi juris addit, ſed antiquum jus tantum roborat*) it being the Paſtors *ſpiritual capacity*, and *Mat.* 10. 10. *Gal.* faithful diſcharge of his duty, 6. 6. 1 *Tim.* 5. 18. and that *only*, which gives him a full and unqueſtionable Title to his Wages.

XIV. Next it may be obſerved very Naturally, that if what a man hath once given away and devoted to the Lord, for pious uſes, be no more his that gave it, then certainly the founder of a benefice, cannot expect to retain to himſelf, and much leſs to his heirs and ſucceſſors

ceſſors, a *negative Intereſt* in the maintenance of the Miniſters of the Goſpel, with ſo little uſe and advantage, and ſo much prejudice, to the Church. And therefore tho' ſuch Acts of Favour and Charity, as are freely and gratuitouſly beſtowed on the Church, ſeem to plead more for the Rights of Patronage, than ſuch as are done, *per modum debiti*, or for ſatisfyng of a *Moral duty*, and obligation, to which the Donor or Founder was *previouſly* engaged; yet there is none who perform ſuch Acts, out of the ſingleneſs of their Heart, and from a true principle of advancing the Glory of God, and a ſincere motive of Compaſſion, to their poor Brethren, that will *ſciens volens*, witting and willingly, deſire or expect a Priviledge, ſo uſeleſs and yet ſo hurtful to the intereſt of the Church, and the good of Souls. This were indeed *a Flie in the Appothecaries Oyntment*.

XV. The thrid ſort of *Benefactors*, to wit, thoſe who confer Favours on the Church, partly *per modum debiti*, and partly *per modum Eleemoſynæ*, partly by way of debt, and partly by way of almes, and free Charity, are ſuch perſons as have ſome civil intereſt and eſtate, within the bounds where the Kirk lyes, but not the whole. And therefore their building or doting of a Kirk, is neither wholly

wholly Duty, nor wholly Charity, but part of both. They being indeed previouſly obliged thereto, but are not oblidged to do it alone, and without the Concurrence of the reſt of that bounds, for bearing their ſhare of the common Burden; ſeing he that ſo dots or builds is but one of many having intereſt. And thoſe Benefactors can as little as the former, expect to be gratified with the Priviledge of Patronage, for the Reaſons already mentioned. For if neither he who acts in ſuch matters wholly *per modum debiti*, nor he who acts wholly and intirely *per modum Eleemoſynæ*, can with any reaſon aſſume or expect ſuch a priviledge; Then alſo by a neceſſary conſequence, he who Acts in beſtowing ſuch favours on the Church, partly the one way, and partly the other, hath as little, if not leſs ground than either of them, to expect or aſſume the ſame.

XVI. There is a fourth ſort of Benefactors (if they deſerve the Name) and thoſe are ſuch, as do their good deeds, meerly out of oſtentation, and from a Phariſaical principle of Vain glory & to be ſeen of Men, to gain the applauſe of the World, and not to advance the Glory of God, or the good of his Church. And for the moſt part thoſe Men beſtow their Favours, where there is little or no need, ſeldom or never conſulting, how, or where, they may place

them, with moſt advantage for the publick good, but ſatisfie themſelves, if they can place them in ſuch a way, as they may bear moſt bulk in the eyes of the World. This is a truth ſo undenyable that it was certainly from this vanity, that the *Monaſtries*, *Nunneries*, *Abbacies*, *Pryories*, *Cloyſters*, &c. both in this and other Nations, before the Reformation from Popery; and in other Popiſh Countries to this day, were endowed with ſo many rich livings, that in ſome places they poſſeſt near, or above a third of the whole Land, in others near a full half, as the devotion (as it was then termed) or rather the ſuperſtitious folly, of a ſimple and ignorant People, and the influence and intereſt of a cheating and idle Clergy, inclined them. Thus many Churchmen turned in effect to be *Temporal Princes*: And generally the intereſt of the Clergy in the Legiſlative Power, and Exerciſe of the Government of theſe Nations, became very large upon the account of the great Intereſt and Authority they enjoyed, by ſuch ample Revenues and Poſſeſſions, which was the true Original, of making the Clergy the *third Eſtate* in the *Conventions* and *General Councils* of *State*, both in theſe Lands, and elſewhere. But thoſe Benefactors, if they may be ſo named, are ſo fully expoſed by

our

our Blessed Lord, in that 6. of *Matth.* and elsewhere, that it will be needless to insist any farther upon them. And certainly this sort of men less than any of the former, deserve any trust or priviledge in the Church of God; Their *vanity* and *self-seeking*, which is the principal, or rather the only Motive and Design of all their Actions deserves much rather the Censures of the Church, than any encouragment, by trusting them with a power, that they are utterly incapable to manage with any measure of Wisdom or Discretion, which are Qualities that men of such a vain and ostentive humor, are seldom or never blessed with. *Matth. 6.*

XVII. As for the last sort of Benefactors, To wit, such as from an *opinion* of *Merit*, confer such good Offices on the Church, thinking thereby to deserve life and happiness at the hands of God, and going about to establish their own righteousness by the works of the Law; it is little wonder that such men, who do so highly injure and rob our blessed Lord and only Saviour, of the honour of that compleat ransom and satisfaction, payed by him to divine Justice, for the sins of his elect, as to think that they can merit eternal felicity by their own works, which is to say in effect, that they will be their own Saviours, and that

Christ died in vain; I say it is but little wonder that such men should expect to be gratified, with a power to encroach upon the rights of the Church, and to rob the members of Christ, of their spiritual liberties and priviledges, as well as they have robbed the Glorious head of his due honour. But sure I am, there is no sincere Christian in the Church of God, but will think a priviledge of this nature, worse bestowed upon those, than upon the worst of the former sort of Benefactors, And therefore I shall say no farther as to them,

XVIII. Last of all, as this pretence of a *Reservation*, is of no weight in favours of the first Founders or Donors themselves, whether they confer such good offices gratuitously or otherways, to give them the acclaimed rights of Patronage, in Retribution and recompence; so it hath much less force, to continue the same in favours of their *heirs*, or others who succeed them on a *singular title* of *Donation*, *Sale*, *Permutation*, &c. For as those may be very far from being indowed, with the merits and qualifications, of the first Donor; so for the most part, they are so far from tracing his footsteps, and example, by gratifying the Church, that with all their hearts, they would be content, if it were in their power, to void and nullifie, their Predecessors deeds. And as

as in civil offices, it is, or ought to be, the merits or qualifications, of the Office bearer himself, that is respected in giving him the trust, *nam in officiis Personæ industria respicitur*, which also is the main reason, why *regularly*, a Judge or Magistrat, transmits not his office to his Heirs after him, nor substitutes another in his place: So much less in *Ecclesiastical offices* (such as the Canonists pretend the power of Patronage to be) and trusts that concern the Spiritual interests of the Kingdom of Christ, and the good of Souls, ought the same to descend to *heirs* or others acquiring right upon a singular title.

SECT. VI.

The Reservation *pretended can be no ground, for the* Jus Utile *of Patronage.*

1. AS to what may be alledged from this pretended *Reservation*, for founding of the *Jus Utile* of Patronage, or rather the *utilitas hujus Juris*, whereby the Canonists pretend, that if the Patron or his Children become poor, so as they cannot live another way, they must be alimented out

of the Rents of the Benefice, as some sort of a Retribution, for their having gratifyed the Church, when they were in power, tho' this may be sufficiently cleared by application of the Grounds already mentioned, yet I shall desire the Reader farther to consider these things.

II. First, that if this *Jus utile*, be a right to which the Patron will needs pretend a valid and *legal Title*, so as he may pursue for it, by an ordinar action at Law, before the *civil Magistrat*, as he may do for other interests, that fall within his privat patrimony, I do not see, how any such right can be allowed; For that which is once consecrat, and devoted to God for pious uses, is no more his that gave it, as we have cleared from the fore cited instance of *Ananias* & *Saphira* &c. And therfore no man can retain any privat interest in it.

III. Next, if the Patron or his Children be really in necessity, and restrict the right pretended to a *claim* in point of *Charity*, I think no man will deny, but there lyes an obligation upon the Church, to extend their *Charity* to them, in giving them a portion of these goods that belong to the *poor*, as far as she can, without prejudging of others, who may deserve her Charity, as well, and perhaps better, tho' on a different account. But in such

such a case this Claim must not be allowed so far, as to *exhaust* what was given at first; for this were indeed to *drain* the *fountain* of *Charity*; which would be a *misericordia crudelis* (so to speak) an unjust and cruel mercy. It is a general rule in the disposal of *Charity*, *to do good to all men in need*, Galat. 6: 10: but still with a *preference* in, favours of such *as are of the houshold of Faith:* one part of duty, must not shoulder out another, Christian prudence must be adhibit as much in this, as in other matters. And as the Canonists themselves do grant, that the Patron is not to be alimented, except when he is *truly* in *necessity*; so many of them acknowledge, that even then he is only to be entertained out of such goods as are destinate for the use of the poor; and so as his part of Charity do not prejudge others. *Patronus non est alendus, nisi de residuis duntaxat quæ alias sunt pauperum.*

IV. Lastly, this is a right so personal to the Patron himself and his family, that it can never be bought and sold, or be transmitted to others, who acquire right upon a singular Title: And so many of the Canonists determine this *Jus utile*, to be a right meerly personal, *et adeo Inhærens ossibus Patroni, ut in alium transferri nequeat*: for otherwise the

the Church upon this account, might be obliged many times, to aliment both the Patron himself, and those who acquire right from him, if both should happen to fall poor at the same time.

SECT. VII.

The denyal of Patronage can be no discouragement in gratifying of the Church: Something obiter of the Dilapidation of the Church's Patrimony.

1. AS to the latter part of the Ground proposed, for a Foundation to the Rights of Patronage, to wit, that the denyal of the Priviledges acclaimed, will prove discouraging for any to gratify the Church for the future, tho' by what is already said, it be sufficiently answered, yet I shall add,

First, That it is most certain, that such as look for no higher reward and encouragment, than what a Priviledge within time can give them, and set not their Hearts on the promises of God, for the *reward of a more enduring Substance*, than what a present World can furnish them

them with, will never be capable to perform the least Act of pure and cleanly Charity, which those only who betake themselves to the true grounds of encouragment, in the promises and word of God, and are free of low and selfish ends, can practise.

II. Next, the assuming of such a priviledge as this, over the Church, will be so far from being an encouragment, that upon a serious and considerat Reflection, we shall find, that as such an usurpation does highly injure the interests of the Church; so it will much more endamage those that are guilty of it. by making a Forfeiture of the rewards that the Lord hath promised to true Acts of Love and Charity, flowing from sincere principles and motives, and for single and honest ends: and may provock the divine Justice, to pour out his wrath upon them, and their families, for keeping up humane inventions in the matters of God, so prejudicial to the true privileges and interests of his Church. But this we shall have occasion to clear farther, in the progress of this discourse.

III. Next, if these be the only terms and conditions, on which men will gratifie the Church, that she subject her self and her spiritual Liberties, to such a yoke of Slavery, as this Priviledge imports, I am sure the Church will be

better

better without such Favours, than with them.

IV. If there were once a reasonable competency settled upon the Church, for the maintenance of her Pastors, and other pious and necessary uses, or if what was once settled, and sacrilegiously taken from her, were again restored, and that faithfully administrat without dilapidation, and misapplication; there would be but little need of encouragement, for any farther additions. It hath been observed in all Ages, That excesse in this matter, hath been more fatal to the true interests of the Church, than any defect could be. Too much tends to introduce a depravation of Life and Manners in Church-men, and by a necessar connexion, also a Corruption in Worship and Doctrine: If Wordly riches, had been proper for advancing the work of the Gospel, our Lord Jesus Christ, who was Lord of all, had never been so scant in his allowance to his Disciples and Apostles. It is an old observation, that when the Church had but *Lignei calices*, she had *aurei Episcopi*, and when she got *golden chalices*, she got *wooden Bishops* or Pastors. The sense is easily understood, tho' it be not exactly literal. So true it is that *Religio peperit divitias, & Filia Matrem devoravit*. Religion brought forth Riches and the daughter devoured the Mother.

V. Lastly,

V. Laſtly, to ſay that the denyal of the priviledges of Patronage, is the cauſe of this diſcouragement, Is but the *Fallacia non cauſæ pro cauſa*; for the truth is, that which is the only cauſe of Peoples diſcouragement, in the beſtowing of their goods for pious uſes, is the ſcandalous and ſacrilegious miſmanagment, of the uncontraverted Patrimony of the Church, by miſapplying it contrary to its deſign and nature, of which there are no ſort of Men under Heaven, ſo guilty, as many of the Patrons are. The Lord himſelf tells his Servant Moſes, *no devouted thing, that a man ſhall devout unto the Lord of all that he hath both of Man and Beaſt, and of the feild of his poſſeſſion, ſhall be ſold and redeemed*, (and much leſs ſacrilegiouſly robbed) *every devouted thing is moſt holy unto the Lord. Deo dicata* (ſays *Amandus Polanus*) *Ei Sacra maneant, nam ſi Is zelus in Rege idololatrico* (*ſcilicet Nebuchadnezare*) *fuit, ut cenſuerit vaſa Deo Iſraelis Sancta; non alio quam in ſui Dei, ſeu potius Idoli fanum, inferenda, multo magis Chriſtiani Magiſtratus, bona illa quæ tempore Papatus Deo dicata fuerunt, uſibus Eccleſiæ relinquere debent: Imo quanto magis Epiſcopos id facere decet.* i. e. That which is once devouted to God, ought

Levit. 27 28.

Polanus in Daniel. cap. 1. v. 2.

to

to remain Holy to him, for if the zeal of an Idolatrous Prince, (to wit *Nebuchadnezzar*) obliged him to believe that the Holy Vessells of the God of Israel, were not to be otherways disposed of, but for the service of his own God, or rather his Idols temple, much more ought a Christian Magistrat, to leave these goods for the use of the Church, which in the time of Popery were consecrat for pious uses, *&c.* see and compare this with *Ezra*, 1. 7. 8. where all these Vessells are returned to their right and proper use.

Our own *Rollock*, inveighs very sharply, against the sacriledge of this Nation, in his time, in misapplying to the use of privat Persons, what was taken from the Popish Church, and citeth such as are guilty, to answer it, before the Tribunal of the Soveraign and Impartial Judge of all the Earth: and he tells them that tho' they slight and neglect his warning, it shall be a standing witness against them, to render them *Inexcusable* &c. And our famous and worthy Reformer Mr. *Knox*, (whose testimony I value above a thousand others) In a letter dated, in August, 1571. direct to the *general Assembly* at *Stirling*, speaks his mind very freely on this subject, with all the earnestness & sincerity of a Person, that was looking very shortly

Rollock in Dan.

ſhortly to ſtep over the Threſhold of time, into Eternity. Take his own words, "Becauſe "(ſays he) the dayly decay of my Natural "ſtrength, threatens me with a ſudden depar-"ture, from this valley of miſery, therefore "of Love and Conſcience I exhort you, yea "in the fear of God, I Charge and Command "you, *that you take heed to your ſelves and "to the flock of God* —— And that with the "like uprightneſs, and ſtrength in God, ye "gainſtand the mercileſs Devourers, of the "Patrimony of the Church. If Men will ſpoil, "let them do it to their own Peril and con-"demnation. But communicat ye not with "their Sins, of whatſoever ſtate they be, "neither by conſent, nor by ſilence, but with "publick proteſtation, make known to the "World, that ye are innocent of ſuch robbery, "which will er'e it be long, provock God's "vengence on the Committers of it *&c.* And I am ſure the experience of many Families in Scotland may confirm this. *Religione mutatâ* ſays a learned Lawyer) *& ſic ſtatu priori inverſo, Patronus curabit ut bona Eccleſiæ, & piis uſibus legata, non tantum preſerventur, & augeantur, ſed ad uſum alium æque pium, convertantur: puta ad cultum alium divinum, ad ſalutem Rei publicæ, ad conſervandum Miniſterium, ad ſum ſcho-* Finkel. *lect.* 1.

Scholarum, *pauperes juvandos*, *Nosocomia condenda* &c. *i. e.* When there is an alteration of Religion, and by consequence an inversion of the former state of Affairs, a Patron ought to take care, that the goods of the Church, and what is left for pious uses, be not only preserved and augmented, but that they be applyed to other as pious uses: as for the worship of God in a lawful manner, for the safety of the Common wealth, for the maintaining of the Ministry, for the use of Schools, the help of the poor, the building of Hospitals. *&c.*

VI. I might add the joint Testimony of our own Church, in her Books of Disciplin *&c.* & many other things. But this being a head that I have but accidentally fallen upon, and a Subject that would lead me out a great length and much farther than the design of this discourse will allow, I shall leave it. Such as desire farther information, may find enough, and too much, to satisfie their curiosity, in the publick records of the Nation. They may also consult the learned *Sir Henry Spelman's* tractat *de non temerandis Ecclesiis*, and his larger work of *Teiths*. They may also see D. *Forbes's gemitus Ecclesiæ*.

SECT.

SECT. VIII.

The Ground of Patronage, from a Grant *or* Conceſſion *of the Church, examined.*

I. THe next ground that is urged, for a foundation to the rights of Patronage, is, that the Patrons of Kirks and Benefices, enjoy the priviledge acclaimed, in reference to the Call and Maintenance of the Miniſtry, by a *grant* and *conceſſion* from the Church, and that conſequently, it is a Lawful inſtitution and no uſurpation, *volenti enim non fit injuria*. In explication of the meaning of this *grant and conceſſion*, ſome take one courſe and ſome another. For ſome by this *grant* do underſtand, that the Church hath *alienat* and transferred her right of Election, and *diveſted* her ſelf of it, in favours of the Patrons. Other again do underſtand by this *conceſſion*, that the Patron acts by vertue of a *Commiſſion* from, and as *Impowered* by the Church, without founding on any higher ground of *Property*, in the priviledge, by vertue of ane *alienation* of the right of Election made by the Church to him. I ſhall examin this *conceſſion* diſtinctly in both ſenſes, the

the first in this, and the other in the next Section.

II Before we pass any farther, it may be observed, that this ground adduced for a foundation of the right of Patronage does, evidently acknowledge, that the right and priviledge acclaimed, is *primarly* and *originally*, a *Church power*, which were enough without any farther to take off this pretence.

III. But to come particularly to the first sense in which this pretended Concession may be understood, *viz.* that the Church hath alienat her right of Election, and divested her self of it, in the Patrons favours, it is to be considered,

First, that the Church is utterly incapable to alienat or transfer her Spiritual rights, and priviledges, or to divest her self of them: these are interests that are not at her desposal, she being only intrusted by *Jesus Christ* her *sole King* and *Law giver*, with the *custody* and *administration* of them, for the good and edification, of the present and succeeding generations. These rights are founded upon a higher Title, than that they can be altered and transmitted from hand to hand, by pactions or promises betwixt man and man. In such cases the Church can do nothing against the truth, she

she is not therein *sui juris*, *ye are not your own*, (says the Apostle,) *ye are bought with a price, be not ye the servants of men*, do not enslave your selves, by losing your Rights and Liberties. The Church can no more make over her Spiritual Rights and Priviledges, or subject her self to strange Lords & new Lawgivers therein, than a woman can make over the right of her Body, which only belongs to her Lawful Husband, or an Innocent person, the right of his life, to a Murderer, *nemo est Dominus suæ vitæ aut suorum membrorum*, or than a Prince, the rights of his Crown and Kingdom, and the liberties of his People to a foraign power, or a person in *Non-age*, the right of his estate (as the Apostle expresly tells us, *That the heir differs nothing here from a servant*:) or in a word, then the Administrators, and Governours of a City and Community, can Alienat the Rights of their Constituents. All these and many other acts of the like nature, as to the translation of property are but frustraneous & ineffectual endeavours, like a man's attempt to raise a weight that is without, and above the compass of his natural strength. *Grave saxum Sysyphon urget.* 1 Cor. 6, 20. and 7, 23.

IV. And tho' *de facto*, such attempts may oft be made, yet *de jure*, they are void and

without effect. And let the conveyance be expreſt under what termes, and carried under what cover or diſguiſe you will, the right ſtands ſtill *Immoveable*, and remains where it was at firſt, *nemo poteſt niſi quod de Jure poteſt*, we can do nothing againſt the truth but for the truth.

V. It is our Lord Jeſus Chriſt and he alone (who is the Church's only Head and Law-giver) that hath power, to ſettle the rights and priviledges of his Church, in ſuch hands and ſuch order, as his infinite love and wiſdom thinks fit. All the right and power the Church hath in theſe, is only a naked Truſt, to keep and manage them, according to the appointment, and inſtructions of her Lord and Maſter. And when ſhe exceeds that, ſhe deborders and goes beyond her Commiſſion, ſo that all the tranſmiſſion ſhe can make, is but *Jus a non habente poteſtatem*, like a grant of the property of an eſtate, by a perſon, that hath no other right to it, but a naked commiſſion to uplift and collect the rents, for the uſe of the true Proprietar: And therefore the Church without her Lord and Head's conſent, can alienate or diveſt her ſelf, of none of her rights and priviledges, that have been purchaſed to her, at no leſs rate then the precious Blood of the eternal Son of God. And as there is not the leaſt ground to pretend, that ever

Jeſus

Jesus Christ, hath given such a consent; so there is far less ground to expect, that ever he will give it now, after he hath sealed his last will and testament, in all things that concern the Kingdom of God, by his own death: and hath declared, that he will have it stand firm and unalterable, by men or Angels, till he come again. The Church can no more divest her self of the right she hath to elect her own Office-bearers, than she can transfer the Inheritance of the Kingdom of Christ, to which that liberty is annexed. And happy is it for the Church and Saints of God, that their stock and Inheritance, is not in their own hand, and at their own disposal. It is far better secured, *their treasure is lodged, where neither moth nor rust does corrupt, nor theives break thorow and steal.* *math: 6. 13. 20* *luk: 12: 33.*

VI. And as our Lord *Jesus Christ*, hath the only right of property and power of disposal of the Church's rights and priviledges, so he is the only just and true *Proprietar* of her rents and patrimony: and when an office vaiks, the rents return to the Church her self, as Proprietar under Christ, to be disposed of for other pious uses. And therefore if the ancient Canons have not only discharged the alienation of the Church's goods or temporal patrimony, but hath expressly declared all con-

tracts relative to such alienations utterly void and null, and have declared that the goods so alienat are still the Church's own, *notwithstanding* of such Bargains and Transactions; how much more must the Church be incapable, to alienat or divest her self, of these Spiritual Rights and Priviledges, conferred upon her by her Head and King, and by him purchas'd, at no less Rate, than the price of his own most precious blood.

Concil: ancyrom. can. 15 &c.

VII. And as *de jure*, The Church cannot make any such alienation of her Rights and Liberties, so it is positively denyed, that ever she hath *de facto* made the same. But on the contrare, it is most evident, that like the betrothed, and yet ravished Damsel under the Law, she cryes and groans to the Lord, under the burden of such an unjust force, and grievous usurpation, as this pretended priviledge of Patronage is, and shall be demonstrat to be.

Deut. 22: 25.

SECT

SECT. IX.

A farther Examination of this pretended Conceſſion.

1. THe ſecond *ſenſe*, in which this pretended Grant, or Conceſſion of the Church, as to the Right of Patronage, may be underſtood, is, that the patron acts by vertue of a *Commiſſion* from, and as *Impowered*, by the Church: without founding upon a right of *property*, in the power of *Election*, by vertue of an *Alienation* of it, made by the Church. As to which, theſe things may be conſidered.

II. Firſt, that in this ſenſe alſo, the aſſerters of this *conceſſion*, do clearly acknowledge, that the patron acts not, in reference to the *Call* and *Maintenance* of the Miniſtry, *Jure proprio*, and by an *intrinſick power*, but by a power *derived* from the Church, and that therefore, it is the Church and not he, that hath the *proper* and *original* right, to meddle in theſe matters. And conſequently that the *fountain*, of the patron's power, is no *civil*, but a *Spiritual* and *Eccleſiaſtick* right. And the true and natural conſequence of all, is,

that therefore the Patron ought to follow the Church's *inclinations*, and not his *own*, in the management and administration of this power; and ought not to tye and oblidge the Church to follow his will and pleasure in it. And next it follows as natively, that since the power, by which the Patron acts, is acknowledged to be a *Spiritual*, and *Ecclesiastick* power, therefore he cannot without the grossest *Symony*, sell and make *Merchandice* of it, as he may do of other things, that fall within the compass of his *privat Patrimony*.

III. In the next place, it is to be considered, that the Church hath as little warrand, to bestow such *constant, general, perpetual,* & *unaccountable Commissions* (especially upon such as are none of the ordinar *Officer-bearers* of the Church) in reference to the *Election* and *Maintenance* of a Gospel Ministry, as she hath to *alienat*, and divest herself, of the Rights and priviledges she hath, to act therin. For both these methods of *conveyance*, doe upon the matter, differ only in degree, which does not change the *Kind* or *Species*, but only the *gradus ejusdem speciei*: or to speak more properly, they are truly one and the same, under different terms. For in effect, a Man may *ex naturâ rei*, as fully and effectually *alienate*, and *divest* himself of his estate, under

under the terms and disguise, of a perpetual *leale* or *tack*, or under the terms of a *constant* and *unaccountable* Commission, as he can do by the most formal Right, under the name and terms, of a full and *absolute* Sale and Alienation. There being nothing more clear than that in both cases, the same design of *transmitting* the *property*, and of *divesting* the *first owner*, Is made equally effectual in different Notions and Terms.

IV. But thirdly, if by a power derived from the Church, and by acting in her name, the Patrons understand an acting in the Nature of an ordinar *Mandatar* and *Commissioner*, they must give up the cause. For 1. In this case, the Patron must be content (as all *Mandatars* must) to subject himself to give an *account* to the Church as his *Constituent*, how he behaves himself in that trust.

V. Next, he must likewise be content to submit to what *censures*, the Church shall think fit to impose upon him, in case he be found to *malverse*.

VI. Again, he must be content to follow the *Instructions* of the Church in his actings, and must not pretend to *Oblidge* the Church, to what he thinks fit, in the management of that *Trust*.

VII. Fourthly, the Patron must likewise be

content, to *quit*, and *lay down* his *Comission*, and to give it up, *into the hands* of the Church, when ever she shall think fit to *re-assume* the power into her own hand, and to manage it by her self, without the assistance of such a Deputy.

VIII. He must also be content to let this *Power* and *Trust expire* with himself, and so exclude his Heirs, and much more such as acquire Right from him, *titulo singulari*, from any interest in it.

IX. And lastly, he must pass from the very Name, and *Title* of *Patron*, seing that (as hath been formerly observed) still implies a *Superiority* in the Patron, and a *Subordination* or rather a *Subjection* and *Slavery*, upon the Church, over which the Power is claimed and exercised, which is a thing absolutely *inconsistent* with the nature of a *Mandat* or *Commission*. For that on the contrare doth clearly imply, an *Inferiority* and *Subordination* of the Person *Intrusted*, to those from whom he receives his *Commission*. And therefore we may confidently conclude, that if the Asserters of Patronage, can find no better foundation, than this, to ground it upon, the least breath will be able to overturn it.

X. And as in the former sense, of this pretended Concession, so in this also, It is positively

ly denyed, that ever the Church hath granted such a *Commission.* And the Patrons will find themselves equally straitned to prove, that ever the Church gave such a *general* and *perpetual Commission*, as they will be to prove, that ever she made an *Absolute alienation* of her Rights. It is as certain that she hath never made any such *conveyance*, as it is evidently *unreasonable*, that she should make such a Grant, in either of the senses pretended.

SECT. X.

Another ground adduced for the foundation of Patronage from the Necessity *of the* Jus Onerosum, *examined.*

I. THe *Jus Onerosum* ascribed by the Canonists, to Patrons, is adduced as a ground, to found both that and the other Rights of Patronage upon. For seing it is very necessar, that some persons of *credit* and *interest*, should be intrusted with a power to *oversee* and take care, that *Ecclesiastical Benefices* and *Livings*, be not *dilapidate* and *misapplyed*, but that the rents and profites of them be rightly imployed for their proper uses; it may be pre-

presumed there can no man be found so fit, and qualified, for such a charge, or who will more narrowly, zealously and carefully, notice the matter, than such as have been so *piously* inclined, as to bestow a *Maintenance* and Living upon the Pastors of the Church: especially if the Pastors be such as are Nominat and Elected by themselves: every Man being Naturally very careful, to defend & preserve, that which in a manner is the work of his own hands.

II. Tho' this ground may be sufficiently taken off, by what is already represented, yet we shall add some other considerations.

And first, it may be considered that what ever force this ground may have as to the first *Founders* and *Donors* themselves, and as to this *Particular* point of *preserving* and *defending* the Church's *Patrimony;* yet it hath no force as to their *Heirs*, or others succeeding them upon a *singular right and Title* who for the most part (if it were in their power) would be content to have their Predecessors Deeds and Grants, made in favours of the Church, declared *null* and *void.* And far less can this pretence conclude any thing, to found the other Priviledges of Patronage, relating to their *Negative Interests*, in the *Call* and *Maintenance* of the Ministry.

III. Next

III. Next it is but too evident, that whatever be pretended, this care for *Defence* of the Church's *Patrimony*, from *Dilapidation* and *Misapplications*, is the least part of the Patron's business, or concernment All the care he takes in this affair, being meerly, that no Body shall have Power to Dilapidate, or Misapply the Church's Rents and Livings, *but Himself*. And certainly in this respect, the Power of Patronage, may most justly and deservedly, be termed a *Jus onerosum*, a very *grievous* and *burdensome* power to the Church of God: so that if there were a particular *Office*, appointed for preventing the *Dilapidation* and *Mismanagement* or *Misapplying* of the Church's *Patrimony*, and for punishing of such as should be found *guilty* of it, I am sure, there is no sort of Men in the Nation, that would feell the weight of Justice, more deservedly, upon that account, than the most part of the Patrons themselves, who, as they are *de Facto*, guilty, with many other Sacrilegious *Impropriators*, of the *Dilapidating* and *Misapplication* of the Church's *Livings & Patrimony*, without the least colour of *Material Right*, so they do pretend (as we may have farther occasion to observe) that *de Jure*, they may lawfully retain in their own hands, whatever part of the Benefice, they can agree with the

the *Intrant* to allow: And that in the cases of vacancy, the *Fruits* and *Profites* of the Benefice, must return to their own *private use*.

IV. But thirdly, the defence of the Church, in her *Rights* and *Patrimony*, and in her *Liberties* and *Priviledges* also, Is indeed a thing very necessar, and desireable, and therefore it is a duty incumbent, not only on every Christian in power, in their several stations; but in a *special manner*, upon the *civil Magistrat*, who by his office is the Church's *Nursing Father*. And not only is it the duty of all Magistrats, but their *Honour* and *Profit* also, and it will likewise be their *Comfort*, that they have imployed all their Power and Interest, and brought all their Honour and Authority, to the *New Jerusalem*, for whose good our blessed Lord took upon him, the *state* of a *Servant*, and *sends forth his Angels as ministring Spirits*. But any power the civil Magistrat hath in these matters, is only a power *circa Sacra*, and no power *in Sacris*, with reference to a *Negative Interest* in the *Maintenance* of the Ministers of the Gospel, to which, they have a full and better Right, by vertue of their *Spiritual capacity*, and *faithful Discharge* of their duty therein, than all the Powers on Earth can give them. The Magistrats power is only *Cumulative*, whereby he may confirm and

and maintain, the *Rights* and *Liberties* of the Church, but no way *privative* of them. He may, and ought to interpose his Interest and Authority, for her defence in the injoyment of her Rights, but can neither deprive her of them, nor confer or confirm the same, in favours of any other, that usurps or invads them, to her prejudice.

V. Fourthly, it is the constant opinion of Divines, that the Church herself, hath power to censure, such as are guilty of *Symoniacal* or *Sacrilegious Dilapidations* and *Misapplications* of her *Patrimony*. And this they gather by due Analogy, from the Apostle *Peter's* inflicting, of the punishment of Death upon *Ananias* and *Saphira*, for their Sacrilegious Concealments, of what they had *Consecrate* to God for the use of his Church: and from the carriage of the same Apostle in the case of *Simon Magus*, from whom the crime of *Simony* derives it's Name. Act. 5. Act. 8.

VI. But beside all this, the word of God as it is compleatly perfect in every thing, so it is noways deficient, in settling institutions properly *Ecclesiastical*, for the oversight of these matters. For in the Primitive and Apostolick times, we find, that the care of the *Collecting* and *Distributing* of the goods of the Church, was committed to the *Deacons*, who being

ordinar

ordinar and *ſtanding Office-bearers* in the Church, were countable to her, for their Adminiſtration, and Cenſurable by her, in caſe they were found to Maleverſe. Theſe Office-bearers had truly a kind of power *in Sacris*, or a lawful warrand to medle with a thing *Conſecrated* and *Devoted* to God, for pious uſes. And as this office was in it ſelf moſt *uſeful*, and *neceſſary* in the Church, and founded upon a lawful warrand, ſo it was ordinarly exerced by Men of *Credit* and *Intereſt*; and ſuch as were Eminent for *Piety*, as is clear from, 1 *Cor.* 12. And it is to be regrated, that the Church, for want of a *Maintenance* to ſuch Officers, ſtands deprived for the moſt part of their pattociny and protection

Acts. 6. 1 *Cor.* 12. 23, 24, 25. 28.

VII. They are ſtyled in the Scripture Ἀντιλήμψεις, a word Importing *the ſtanding over againſt a Man for help in the lifting of a burden, that is too weighty for him alone.* And is a *term* that very properly, and more fully and ſignificantly, expreſſeth the Nature and Deſign of this Office, than any word in our Language can. For without ſuch helps, (ſo our Tranſlation renders the word) who may take upon them, the care of *collecting*, and *diſpenſing*, what was beſtowed upon the Church for *pious uſes*, the work of the *Miniſtry* could not but meet

meet with many Hinderances and Obstructions. For when the Pastors of the Church, like the *neglected* Levits, *must flee every one to his field*, and be entangled in Secular Affairs, and Law-suits, for recovery of their Livings, how is it possible that they can wait upon the duties of their function, as they ought? the diligent and Faithful discharge of the *Ministerial Office* is of it self, without the unnecessar addition of other civil Affairs, of so great a weight, and requires so much assiduity, and application, that it made even the Apostle *Paul* himself, one of the greatest and most eminent Ministers, that ever the Christian Church had, cry out, *who is sufficient for these things?* or how is it possible when the Pastors of the Church, are so inveigled in civil business, and debates, but they must turn cold and faint in that edge and zeal, that renders them useful and profitable Labourers in the Lord's Vine-Yard? *Nehem.* 13. 2 *Cor.* 2. 16.

VIII. And tho' this office of *Deacons*, may seem to be among the lowest, yet in the primitive times, it was of no mean account; Men of the best note and consideration, for piety and wealth, were ordinarly intrusted with it, as is clear from that fore-cited place: And that because of the great use and necessity, the Church had of them: And therefore *in Diaconis*

Diaconis, potius quam Paſtoribus, elegendis, curandum ut cæteris paribus, lautioris Fortunæ Homines, qui infimum hoc officium Ornent, eligantur. Our own Church alſo, in the ſecond Book of Diſcipline, treats at large, of this office, and of the charge of the Church's goods thereto Intruſted.

Dicks in loc.

IX. From all which we may very ſafely conclude, that tho' the care of the Church's Patrimony be no way to be neglected, yet there is no neceſſity, to erect a particular office for that end, diſtinct (as the Caponiſts would have it) from all Civil and Eccleſiaſtical offices of Divine Appointment and Inſtitution, with which the Church and People of God are abundantly provided, as far as there is any need, by the infinite Love and Wiſdom of *Jeſus Chriſt* her only Head and Law-giver. This were indeed a moſt direct *ſpecies* of *ſuperſtition* to deviſe New and Onerous Inſtitutions *ſupra quod ſtatutum eſt.* And far leſs is it neceſſar to inveſt any Office-bearer of this Nature, with ſuch an additional Priviledge, as is claimed by the Patrons of Kirks and Benefices, in reference to a negative Intereſt in the Election and maintenance of the Miniſtry.

SECT.

SECT. XI.

Patronage is *no institution* of Divine appointment, but a manifest *usurpation.*

1. BY what hath been said, it sufficiently appears, how groundlels this Right of Patronage is, which might be enough without any farther, to Justifie the proceedings of the Publick Authority of the Nation, Anno. 1649, in the aboliſhing of this Priviledge: But that the *Injuſtice*, as well as *Groundleſneſs* of this Right, may yet more appeare, I ſhall in the next place, according to the method propoſed, offer ſome clear and convincing reaſons againſt it, wherein I ſhall ſhun the repetition of what I have already ſaid, and keep the ſame plainneſs, I have hitherto obſerved.

II. The aſſertion we undertake to prove, is clearly this, *That the Patron's pretended Priviledge of a negative Intereſt.* &c: *about and concerning the Call and Maintenance of the Miniſters of the Goſpel, claimed by the Patrons of Kirks and Benefices, is a ſinful and unjuſt uſurpation, without warrand from the word of God, deſtructive to the true Liberties and*

Intereſts of the Church, *and moſt ſcandalouſly offenſive to all ranks of Chriſtians therein:* as I think may be clear from theſe Grounds.

III. Firſt, this pretended Priviledge is no Ordinance nor *Inſtitution* of our Bleſſed Lord, There being no ground from Scripture, either by Promiſe, Precept, or Example, for inveſting any ſingle Perſon, with ſuch a Priviledge, as the looking out, Nomination and Election, of the Miniſters of the Goſpel, the principal Office-bearers of the Church of Chriſt: neither is it ſo much as pretended to be founded upon Scripture. It being confeſſedly of a farr later date and all that is alledged for it, is nothing elſe but ſome *ſurreptitious* Edicts, Canons and corrupt Cuſtomes, which (as Doctor *Forbes* of Corſs terms it) *non leges ſunt, ſed labes.* And therefore for any man or Angel, to give or aſſume ſuch a priviledge, where our Bleſſed Lord the Church's only King, & Lawgiver, hath not given it, as a moſt ſinful uſurpation, over his Crown and Dignity, and a bold Invaſion upon the Rights of his dearly purchaſed ſpouſe.

In Epiſt: ante tract: de Simon:

IV. In all the Catalogues of the Officebearers of the Church mentioned, in the Scripture, there is nothing like a Patronage recorded. And if thoſe Prieſts who Married the Daughters of *Barzillai*, and were called by their name, were juſtly

Rom: 12. 1 Cor 12 Eph: 4.

Ezra 2: 61.

Justly counted as polluted, and were removed from the exercise of their Office (tho' Lawfull in it self) because they could not instruct their descent from the Record of genealogies: And their removal ratified by the sentence of the *Tirshatha* or Governour, and they discharged to Eat of the most Holy things, till a Priest with *Urim* and *Thummim* should stand up, and clearly declare God's mind in the case, and so supply the defect of these records: Then surely, and with a great deal of more Reason, ought the Christian Magistrate, to remove such an unwarrantable Institution as this of Patronage, till its Right to medle in the affairs of the Church, be clearly instructed, from the Divine records of the Scripture: which I am sure will never be done.

V. This is a ground that will be opposed by none, who own the Scriptures of God, to be the perfect Rule and Square, by which the Government of the Church is to be Regulate, And that our Lord Jesus Christ who is *the great and Wonderful Counseller* and, *the Father's Wisdom, was Faithful in all his Fathers House to him that appointed him*: For as the arrogating of such a priviledge, without warrand from the word of God, is most derogatory to, and a high and injurious reflection upon the *infinite* Heb: 3: 2.

Love, *Wisdom* and *Faithfulness* of our Blessed Lord, and directly implyes that he hath not sufficiently provided his Church with a compleat method for Furnishing, and Election of her own Office-bearers, without calling in the weak and Superstitious devices of Men's invention to her assistance; So such as dare offer to rectifie his Institutions as defective, or to call in question our Lord's *Wisdom* and *Faithfulness* in this, may go a great length to question his *ability to save to the uttermost*. There is a nearer and firmer connexion betwixt these, than every one thinks: We see it clearly in the Popish Church: For as there was never a Society in the World, that invented moe superstitious Offices, such as *Cardinals*, *Arch-Bishops*, *Bishops*, *Deans*, *Arch-Deans*, *Chancellors*, *Officials Commissars*, &c. with so much Reflection upon the Wisdom and Faithfulness of Christ, as King and Head of his Church; so no Society on Earth, has been more injurious to our Blessed Lord's Office of Priest-hood, in Robbing him of the honour of that compleat Satisfaction, payed by him to Divine Justice, for the sins of his People And it is undeniable, that as both this device of Patronage, and that *Anti-evangelical* Opinion of *Merit*, owe their Original, to the same corrupt Fountain, so the Church's sad

ſad experience can teſtifie, that they have ſtill been found, to be mutual Abettors & Supports of each other, as we hinted before, and may have farther occaſion to obſerve hereafter.

VI And hence we may ſafely conclude, that the publick Authority of the Nation, in the yeare 1649, had all the Reaſon Imaginable to ſay, "that the priviledge "of Patronage, was an Evil and "Bondage, under which, both Miniſters and "People in this land had long groaned, & that "it is a Popiſh cuſtom, brought in upon the "Church, in the times of Ignorance & Super-"ſtition. And the Canoniſts themſelves, ſuch as *Lambertinus*, *Panormitan*, *Piſtorius* &c. do expreſly acknowledge, that Patronage is a kind of ſervitude, upon the Church. *Jus vocationis* (ſays *Ameſius*) *non poteſt proprie eſſe, vel Epiſcoporum Diœceſanorum, vel Patronorum, vel Magiſtratuum qua ſunt tales, quia Chriſtus qui miniſterium inſtituit, de iſtis ordinibus nihil ſingulare præſcripſit, nihil novi juris ipſis communicavit, & Eccleſiam ſine iis optime ordinatam reliquit.* That is, the Right of calling Miniſters cannot properly belong either to the Dioceſan Biſhops, nor to *Patrons*, nor to Magiſtrates as ſuch: becauſe

parl. 1649 cap:

Ameſ: de caſ: conſcien: cap 25. parl. 24.

Jesus Christ who appointed and institute the the Ministry, hath prescribed nothing singular concerning these orders, nor hath communicated any new Right to them, and hath left his Church very well ordered without them.

VII. And if these priviledges of Patronage be without Foundation, either from the word of God, or from moral use and necessity (as we have already proven, and shall yet farther clear) They can be nothing else, but unjust and unreasonable *Usurpations*: And as usurpations, in all Societies are deservedly very odious; *so a fortiori* in the Church of the living God, the most truly free Society on Earth, whose Liberties and Priviledges are purchased at no lower rate, than the most precious Blood of the Immaculat Lamb, and Eternal Son of God, they must be much more detestable. Sure I am if the most eminent and judicious congregation in the Land, should claim such a Priviledge, in reference to the choice and maintenance, of the meanest servant in the Patron's Family; He would with a great deal of reason look upon it, as a most intolerable usurpation and oppression. For as our Patrons do maintain, that *de jure*, they are not oblidged, to seek the advice of either Presbitry or Paroch, to the Nomination and Election of a Pastor, but that both are oblidged

ed to accept the Person whom the Patron presents, if he be found in any measure, *externally* qualified, for the Office of a *Pastor* in *general*, without any other enquiry or consideration; So to do them right, the practice of Patrons in this matter, hath been no way disagreeable to their claims, unless it be to the worse.

VIII. We have but too much Reason to apprehend, that this unjust and unwarrantable usurpation, is one of these crying Sins, by which God hath been provoked, in his Justice, to lay waste and desolate most of the great families of the Land. There are many standing Monuments of God's wrath and displeasure, against such as medle in the affairs of his house, without his own warrand and appointment. *Saul*, *Uzziah*, and *Uzzah* are Recorded among others, not as idle Stories, but as warnings to Men; in all after-ages of the Church, not to partake in their sins, lest they also partake in their *Plagues*. *Uzzah* had a much fairer and better pretext, to put his Hand to the Ark of the Lord, than any of our *Patrons* have, for their acclaimed priviledges: He but touched the Ark of God, in a case, where he thought an extreme and indispensible necessity oblidged him to it: And yet the Lord

2. *Sam.* 6. 6
1 *Chron.* 13. 9

Lord will not let his *rash* and prepoſte-ous *Zeal*, paſs unpuniſhed, becauſe he Acted without a warrand. For tho' he was a *Levite*, and as ſuch was commanded to carry the Ark on his Shoulders, (but not on a Cart) yet being no Prieſt, it was unlawful for him to touch it with his Hand. And therefore the Lord is pleaſed to ſingle him out, and to make him an example of his Juſtice and Diſpleaſure, both for the general Sin of the Congregation, in carrying the Ark on a Cart, and not upon the Shoulders of the *Levites*, and for his own Particular Sin, in ſtretching forth his Hand, to touch it without a Lawful call, tho' his pretext, and the ſeeming neceſſity of it, was ſuch, that even *David, a man according to Goa's own Heart*, was tempted to frer, at ſo heavy and unproportioned a Puniſhment, of ſo ſlight and trivial a fault, as he thought this was

Num 4: 15.

IX. And that this power of Patronage, is no inſtitution of God's appointment, may yet farther be clear from this, that all Lawful powers that are of God, are either *Civil* or *Eccleſiaſtick* and Spiritual. For as to mixt powers, that is, ſuch as are neither purely Civil, nor purely Spiritual and Eccleſiaſtick, and ſuch as give the Office-bearers of the Church, an intereſt in the management of Secular Affairs,

Affairs, and give Secular powers, an interest *in Sacris*, we must freely disown them, as having no foundation, either in Divinity, or good Policy, but expresly contrary to both, and as having ever been found by the Church's dear bought experience, to be nothing else, but the weak devices of ambitious and aspiring men, to marr the progress of the Gospel, and to bring the Church in subjection to a strange head, *Plants that are not of our Heavenly Father's Planting*, and most unbecoming the Wisdom of any Christian Church, or State, to tolerat and allow. And certainly as the Magistrate or Civil powers of a Nation, have no warrand, to medle *in Sacris*, so there is no Conscientious Minister of the Gospel, but will find his charge so weighty, without any farther addition of secular Affairs, that he must say from the sense of his own weakness, and the great extent of the duties of his Function, with the great Apostle of the Gentiles, *who is sufficient for these things? I Ergo tu* (saies *Bernard* to *Eugenius*) *Et usurpare tibi, aut Dominans apostolatum, aut Apostolicus dominatum.* Such a mixture as this, is manifestly contrary to the dictates of our Blessed Saviour, who hath expresly told us, *That his Kingdom is not of this World* but a poor and contemptible handful (in the Eyes

Eyes of Men) taken *out of the World.* And therefore as our Blessed Lord never gave any Instructions or precepts, to the Civil Powers, to medle *in Sacris;* so he never gave any direction, to the Office-bearers of the Church, for the administration of civil Affairs: But on the Contrary (as we formerly hinted) expresly dischargeth the same. And therefore we may well give such unwarrantable mixtures that suitable *Epiphonema, apage hoc mixtum genus hominum, prolemque biformem.*

See Luk 22. 25. *Matth* 20. 25. *John* 15. 19.

X And that this power of Patronage, is one of these amphibious and irregular Inventions, may be clear, not only from these many confused Opinions of these Canonists themselves on this Head, but also from these undenyable Grounds.

For first, that this power of Patronage, is not a power truly civil, may be sufficiently evinced from the Nature of these Acts, in which it is exerced, to wit, the Looking out, Nomination and Election of the Ministry, and the Negative interests acclaimed therein, and in their maintenance: All which are Actions of a Spiritual and Ecclesiastick Nature, and such as by the Holy Ghost, are always given to the Church, and to none other (as we shall see hereafter) And accordingly in the primitive

tive and apostolick times, and some hundreds of years thereafter, the *Looking out* and *Election*, of the Ministers of the Gospel, was still managed by the Church her self, without the interposition of Patrons: And the maintenance of the Ministry, was a part of that trust, in which the *Deacons*, an ordinary and standing Office in the Church, were imployed, as we have already seen.

XI. And tho' the conveyance and confirmation of the most part of Patronages, hath been from the Civil Magistrate, by rights under the great *Seal* &c. yet this cannot prove that power to be truly Civil.

For first, no Conveyance or Confirmation of a Right, can alter it's *Nature*, which it still retains, come thorow what hands it will, and let it be disguised under what terms you please.

Nor 2*ly*. can any Law or Magistrate, *Conferr* or *Confirm*, a power that is *Materially* and in it self Unjust and Unlawful: for it is not enough to make a power *Materially* Just and Lawful, that it be formally Legal. *Shall the Throne of Iniquity* (says the Psalmist) *have fellowship with Thee, that frames Mischief by a Law? And woe unto them* (says the Spirit of God by the Prophet *Esaias*) *that decree an unrighteous*

Psal. 94. 20. Esa. 10. 1.

ous decree, and who write grievous things that they have prescribed, and it is an acknowledged principle, *Id tantum quis potest, quod de Jure potest.*

And 3*ly*. These Conveyances and Confirmations of Patronage, by grants from the civil Magistrate were invented for no other end, but to put the Patron's usurped power under the protection of Civil authority, and to be an apron of fige-leaves, to cover the Stain of *Symony*, with which the Patrons were most justly branded, when they Bought and Sold their usurped Priviledges over the Church, with as little Scruple and Remorse, as they would have bargained for a Yoak of Oxen.

Lastly, this pretence is as Empty and Frivolous, for evincing the pretended Rights of Patronage, to be a power truly civil, as if the gifted Brethren (as they are called) should justifie their usurpations, in preaching of the Gospel, and Administrating the Sacraments, by alledging they had a power from the Civil Magistrate so to do.

XII. But in the next place, neither is this Priviledge, a power truly Ecclesiastick or Spiritual. For tho' these Acts in which it is exerced, be Spiritual and *in Sacris*, yet this can no more make it a truly Spiritual power, than the like Acts of the gifted Brethren, in preaching

ing the Gospel, and Administrating the Sacraments, can make their assumed power to be truly Spiritual: Both these usurpations proceed from the same Antichristian and Anti-evangelical Spirit.

2*ly*. If the priviledge of Patronage, were a truly Spiritual power, or office, it could not be conveyed or transmitted, by Birth or Right of Blood. For under the new Testament, there is no such Conveyance or Transmission of Sacred Offices. A Minister enjoyes not his office, by the common Rules of Succession and Birth, and much less a Patron.

3*ly*. If Patronage were a truly Spiritual office, it could not be bought and sold, as a part of a Mans private Inheritance and Patrimony.

4*ly*. Tho' the pretended right and power of Patronage, in process of time, came to it's full stature, by being Authorized in the Canon Law; yet if we trace it back to it's first Original, it will be found to be nothing else, but a groundless and superstitious usurpation, without any warrand from the word of God, or consent of the Church, and manifestly contrary to all the Ancient Ecclesiastical Canons, concerning the Election of Pastors. *Annon cuilibet notum est.* (says the reverend *Beza*) *pro electionibus fuisse in Ecclesiam intrusos* *Hom. 13. de Resurrect.*

Patro-

Patronatus &c. *Tam aperte antiquis Canonibus repugnantes, quam Tenebræ Luci sunt contrariæ*? Does not every one know (says he) that Patronages &c, were obtruded upon the Church, in the place of lawful Elections, as clearly against the ancient Canons, as Light is contrary to Darkness.

And in his Treatise *de notis Ecclesiæ*, he inveighes yet more sharply against such abuses, *Collationes (inquit) sive Ordinariæ, sive Devolutæ quas vocant, & Resignationis Jura, ubi tandem nisi in Satanæ Coquinâ sunt excogitatæ* &c. Where (says he) were these Inventions of Collation, either Ordinary or by Devolution (as they term them) first devised but in the Devil's own Kitchine?

And again, in his Confession of Faith, *nunquam receptum est, in Ecclesiis Christianis jam constitutis, ut quis admitteretur ad functionem Ecclesiæ, nisi Liberè & Legitimè electus, ab Ecclesiâ cujus inter-erat. Itaque tota ista mundinatio præsentationum, pleni Juris Patronatus, Collationum, Resignationum, & aliorum hujusmodi scelerum, a Satina profecta est; quamvis ambigi non possit, quin ista ab initijs magis laudabilibus profecta sint.* That is, it was never the custom of any Christian Church already constitute, that any man should be

Beze. confess. fid. Christ. cap. 5. inter tract. Theol.

be admitted to an Ecclesiastical Function, unless he were freely and lawfully chosen, by the Church particularly concerned. And therefore all that Trade and Trafficking of presentations, the *plenum jus* of Patronages, Collations, Dimissions and other wicked Corruptions of that Nature, owe their original intirely to the Devil, tho' it is not to be doubted, but there were some plausible pretexts for their first Institution.

XIII. Lastly if Patronage be a power truly Spiritual and Ecclesiastick, then the Patron must have this power, either as an Office-bearer in the Church, or as a private Church Member, and that he hath it neither of these wayes may be thus evinced.

1. As a Church Officer he hath it not, for in all the Catalogues of Church Officers, mentioned in the Scripture, there is not the least shadow of a Patron either as to Name or Thing. *Rom.* 12. 1 *Cor.* 12. *Eph.* 4.

2*ly*. If he have this power as an Office-bearer in the Church, then he must either have it, as a Church Officer in general, and so it will belong to all Church Officers, and not to the Patron alone, tho' he were a Bishop. *Quod enim convenit tali, qua tali, convenit omni tali*: or other ways he must have it as such a Church Officer in particular, in which case likewise all

all Church Officers of that Kind, ſhould have this power alſo, and not he alone, for the reaſon before aſſigned, *a quatenus ad omne.* And the truth is, it is very difficult to conjecture, under what kind of Church Officers, a Patron can have the leaſt pretence, to liſt himſelf: but take him to which of them all he will, the power muſt ſtill be common to all the Officers of that kind, and not proper to him alone.

XIV. And far leſs can the Patron have this priviledge, as a private Church Member, elſe every Church Member ſhould have it as well as he; the pooreſt and meaneſt Chriſtian in the Church of God, having no leſs Right to ſuch common priviledges, as are competent to all Church Members in general, than the greateſt and richeſt Patron. I ſhall not determine how far ſuch an unjuſt uſurpation may ſtain and blemiſh the Patron's own Church-Membership: but ſure I am in matters of common Right, there is no *reſpect of perſons*, for in Chriſt *there is neither bond nor free.*

Jam. 2 1, 2, 3, 4. *Jude* *v.* 16. *Gal.* 3. 28. *Col.* 3: 11.

SECT.

Sect. XII.

The power of Patronage is destructive of the Institutions of Christ, *for Election of the Pastors of his Church.*

1. AS we have asserted, that Patronage is no divine Institution, and that the Patrons have not the right of Electing the Pastor's of the Church; so we must also shew, to whom this Right of Election doth properly belong, lest others that have as little Right, may lay claime to it, as it hath fallen out in the matter of the Church's Patrimony, which when it was taken from the Popish Clergy, who had no true Right to it, was not restored to the reformed Church, but to private persons, who, (to say no worse) I am sure had as little Right, as the former possessors.

II. And therefore the next ground, that we shall insist upon against Patronage, shall be this, that as this power is no divine Institution, but a manifest usurpation, so (which is worse) it clearly *destroyes* and renders useless, the ordinances appointed by *Jesus Christ*, the Church's only Head, for the Election of

the Ministers of his Church: And thereby carries with it, the guilt of Rejecting our Blessed Lord, from being King and Law-giver in his own House, and of Establishing strange Lords and new Law-givers therein. For the Patrons Looking out, Nomination of, and pitching upon such a determinate person, to be a *Pastor* of the Church, without the consent of either *Presbitry* or *People*, does evidently take away the ordinance of a free and unlimited Election, of such as may be fittest for such a charge, and most acceptable to the congregation concerned, to be made by the Church Judicatories, and Church of believers respectively, each of them acting, what is proper for their several places and stations, as being the only party intrusted with it, by *Jesus Christ*, the sole King and Law-giver in his own Church.

III. And tho' the Patron may sometimes pitch upon, and *present* a person of true worth, yet as this is but meerly accidental, and the case does generally fall out quite otherwise; so nothing should be done, to hinder the Election, of one more worthy: And a well qualified Pastor may be one among a Thousand, as it is Job. 33. *Is enim eligendus* (says Origen) *ex omnibus, qui Doctior, qui Sanctior, qui omni virtute præstantior.* That is, he that among all

all is the Holiest in Life, the most Learned, and the most Eminent in all manner of vertue, is the person that ought to be Elected: So likewise the free Election of such, ought to be intirely left to these entrusted by *Jesus Christ* therwith.

IV. The *discerning of the Spirits*, and the *knowing of the Voice of* Christ, in his Called & Sent Servants, is the priviledge of the Church as such, and does fit and qualifie the Church, and not the Patron, to make a due and suteable choice of her Pastors, and therefore the Church, and not the Patron as such, hath only right to medle therein. I say, the Patron *as such*, hath not the right of Election, for tho' the Patron as a Church-Member, or as a Church-officer, in the Congregation where he lives (whether he be Elder or Deacon) may have that Voice and Concurse in the Election, which the other Members and Office-bearers have, yet as Patron, and under that *Reduplication*, he can have no such Right as the Priviledge acclaimed amounts to.

V. And what ever diversity of Judgment, may be found among Divines as to the seat of this Church power, yet it is agreed upon by all, that write on the Subject, and clearly evident from the Scriptures, that this Power and Right of Election, belongs only to the Church as such, and *Acts.* 14. 23. 1 *Tim.* 4. 14.

consequently it cannot belong to the Patron, as a Negative Interest due to him in the extent acclaimed. And accordingly it is clear beyond all debate, that the Church was in the Actual possession of this power and right of Election, for several hundreds of years, before such a device as Patronage, was heard of in the Christian World. This is a truth as evident from Antiquity as any thing can be, for in all the ancient *Councils*, *Canons*, *Fathers*, and *Historians* of the Church, there is not the least mention of such a priviledge as this of Patronage. And when ever they have occasion to speak of the Forms of the Election of Pastors, they still set down a method wherein the Church it self does freely Elect, in every thing absolutely inconsistent with the Rights of Patronage.

VI. There is not the least hint in all these Ancient Writers, that with any shadow can be alledged for the power of Patronage. Some thing there is indeed, now and then mentioned, for clearing and instructing the power of the Civil Magistrate *circa sacra*: But that is an interest quite different from the Rights of Patronage, and which does not at present fall in our way to debate.

VII.

VII. It would be tedious, and to no purpose to offer to prove from Antiquity, the Interest of the Church, in the Election of her Pastors, since it is a point that I have found very little contraverted. These who are curious may consult the debates, even of those Men, whom they call the *Fathers at Trent*, whereof many (as corrupt as they were) would gladly have had the Church restored, to her primitive Rights of Election, and many others both *Popish* and *Protestant* Writers, which it would be wearisome to cite.

See Pedri. Paulo's Hist. of the Council of Trent. Cyprian Epist. 33, 34, 37, 55, 68. Theodoret Histor. tripart. lib. 2. cap. 12. lib. 4. cap. 22. lib. 6. cap. 9. Socrat. Hist. Eccles. cap. 28. &c. Decret. dist. 63. can. Quanto. Can. vota civium & Can. Sacrorum &c. Chemnit examen Counc. Trident. parte page 408. & seq. editionis Francofurt. in 8o. Didoclar, als. Damascen &c.

VIII. But not to insist any farther on these Topicks, let us follow *Augustin's* rule, *Mittamus ea quæ ab utraque parte dici possunt, & ad Scripturæ judicium revocetur controversia.* The cleareſt and faſeſt Methods, in Debates of this Nature, which concern the Interest of Christ and his Church, is to decide them by the sentence of the Scriptures, *to the Law and to the Testimony, if they speak not according to these. it is*

Agustin. com. Jul.

Isay. 8. 20. *because there is no Light in them.* Thus we find the Apostles and multitude of Disciples (for so was the Church of Believers then termed) meet together, for the Election of an extraordinary Office-bearer in the Church, viz. *an Apostle*, And a list made by them both (to wit the Apostles and Believers) of two, *Joseph* and *Matthias*. But the designation of the particular person for this extraordinary Office, they leave to the Divine Determination by Lot.

IX And if the Apostles who were Instructed by *Christ*, in all things that concerned his Kingdom, and did accordingly teach the Church practically, and by their own example,

Matt. 28. 20. to observe all that was commanded them, conform to their Lord's farewel command, did proceed with consent and concurrence of the Church, and people of God, to the Election of so *High* and *Extraordinary* an Officer as an Apostle; It strongly imports that it was their Master's mind, that they should so do, not only in the particular Election of that Apostle, but also and much more in the choice of the Inferiour and Ordinary Office-bearers of the Church.

X Thus we also find, that the Looking out, Nomination and Election, of the Deacons (whose Office is one of the ordinary tho' inferiour

our Offices of the Church) is given by the appointment of the Apostles, to the multitude of the Disciples or ordinary Believers. In which Action these things are clearly evident.

1. That the twelve *Apostles* call the Multitude together, and appoint Deacons to be chosen, and also appoint their determinate Number. *viz* seven; being so many as they judged would serve the Church's need at that time: as also they ordain and lay hands on these Deacons, after they are chosen, and and so state and confirm them in their Office.

2. That the multitude of Disciples or Believers, are left by the Apostles, to their own freedom and discretion, in the Election and choice of those seven, qualified as the Apostles had directed.

3 That the Looking out, Nomination and Election of those seven, is accordingly performed, by the multitude of Believers, *In prima instantia*, without the prelimitation of a previous Nomination, or Choice.

4. That the same multitude of Beleivers *present*, or (as the word is) *set* these seven *before* the *Apostles*, who ordain and lay hand upon them, and so invest and confirm them in the Office.

XI. And as in all Christ's Institutions, so particularly in this of the Election of the Office-

Office-beaters of his own houſe, there appears a moſt Beautiful and Harmonious order. For as the Election of the *firſt* and *extraordinary* Officers of the Church, was immediately performed by our Lord Jeſus Chriſt, the Chief Paſtor & Head of the Church, ſo the Election of the *ſucceeding* and *ordinary* Officers of the Church, is very conſequentially performed, by the inferiour Paſtors and Members of the Church *reſpectively*, each of them acting, and keeping within the limits preſcribed, by the Chief Paſtor and Head of the Church.

XII Sutable to theſe excellent Patterns and examples ſet down in the Holy Scriptures, the General Aſſembly of this Church, in the directory for Electing of Miniſters appoints the order thereof in this manner.

Gen: aſſemb 1649 ſeſſ. 40

1. The Presbitry ſends one of their own Number, to the Congregation for which a Miniſter is to be Elected: and he having preached before them, concerning the neceſſity of a well qualified Paſtor, and the great need that the People have, to be diligent and fervent in Prayer to the Lord, for ſuch; He is to ſignifie to them, that the Presbitry, out of their care for that People, will ſend them Preachers whom they may hear. But withall, he advertiſ-

vertiseth them, that if they desire to hear any other, the Presbitry will endeavour to satisfie them, upon the sute of the Elders of the Congregation for that Effect.

2. Within some competent time thereafter, The Presbitry is again to send a Minister to that Congregation, on a certain day before appointed for that end; who having then Preached, and intimat to the People, that they are to go about the Election of a Pastor, the Session is to proceed to it, the Minister that Preached moderating therein. And the Election being made, is to be intimate to the People: And if upon intimation they acquiesce and consent to the Person chosen, then the Presbitry is to proceed to his tryals. But if the People dissent from the Person Elected by the Session, the Presbitry is to take cognition thereof, and after they have fully heard and considered the whole affair, they are to judge and decide in it. And where Congregations are unfit (as in some cases they may be) to make any Election, the Presbitry is to provide them with a fit Pastor.

XIII. Our Reverend Brethren, the Ministers of the province of *London*, incline to think, that the power of Election doth ordi-

narly

Jus Divin: regim: Eccles: Pag. 98,99 in margine and Jus Divine: Miniſt: evang Pag: 127.

narly belong not ſo much to the People, but rather to ſuch as are in Office when Judicially conveened. As for extraordinary caſes I ſpeak nothing of them For theſe muſt have extraordinary remedies. But certainly, *dum ſuppetit remedium ordinarium, nunquam recurrendum eſt ad remedium extraordinarium.*

XIV. Maſter *Rutherfoord* and others do unanimouſly agree, that what ever be the People's ſhare and intereſt in the Election of their Paſtors, it is indeed a deliberative and approbative, but not an Authoritative Action, yet as is ſaid, it is an Action truly Eccleſiaſtical, properly and only belonging to the Church, as ſuch: And that the People are indeed very nearly concerned, in the right choice of their Paſtors, as being the moſt *ſpecial ordinary means*, appointed of God, for their Spiritual and Eternal welfare.

XV. From all which it is abundantly evident, that the Right and power of the Looking out, Nomination and Election of the Office-bearers of the Church of God, doth properly and only belong to *the Church as ſuch*, and no way to any ſingle perſon, upon the account of privilege, or otherways, call him patron or what you pleaſe; and that the negative intereſts

terests of Patronage, are inconsistent with, and destructive of, that unlimited freedom and liberty of Election, granted to, and appointed by *Jesus Christ*, to his Church, for providing herself with such, as may be most fit and proper for bearing Office therein.

XVI. I need not add after this, that the method of entring the Pastors of the Church by Patrons, marrs that beautiful, constant and uniform order, that appears in all these ordinances and institutions, of which our Blessed Lord, *who is a God of order, and not of confusion*, Is the Author: And therefore we may very Justly conclude, it can be none of his: For by this method of Patronage, some Pastors are oblidged to enter by Patrons, and some without them, as in cases where it is doubtful who hath right to *Present*, or where the Heirs of the last *Patron* are not entered (as we term it) or as the Civilians term it *nondum adierunt hæreditatem*, And in many other cases, which oft times put both Presbitry and People to a stand, not knowing how to behave, and in the mean time the Congregation must unavoidably lye desolate, at least for half a Year: for during that time, the Patron, is not oblidged to *Present*. Again, some must enter by those they call Ecclesiastical *Patrons*, as Bishops, *&c*: others by Laick *Patrons*,

Patrons, whereof some are Courtiers, others Souldiers, or mean and Ignorant Mechanicks. *&c.* Some must enter by Patrons residing at a distance in the country, others by those that reside neither in the Country nor Nation, yea and some by Women, as hath been formerly observed: Some by one Patron others by many *&c. Ministri* (says Doctor Ames) *dati sunt Ecclesiæ a Christo, ut eadem ordinaria et certa ratione, possint ab omni Ecclesiâ procurari: sed si ab alijs penderet vocatio, Ecclesia sæpe destitueretur certa ratione sibi ministros procurandi, et proinde talis Ecclesia esset a Christo Instituta; quæ non esset sibimet sufficiens in seipsa.* That is Ministers are apointed by Christ in his Church, that by the same certain and ordinary method, they may be procured by every Church: But if the Call of the Ministry must depend upon others, the Church might oft-times be destitute of a certain method of procuring her own Pastors, so that in that case, such a Church should be institute by Christ, as were not sufficient in it self to provide for her ordinary Necessities. which is altogether inconsistent *with the infinite Wisdom and Fidelity of Christ.* And tho' this Author, it may be, *understand the Church* otherways than we do, yet that makes no difference

de cas: conscien. L: 4 C: 25 25

ference in the present case. The Argument is very cogent in what ever sense the term be taken.

XVII. Nay which is yet worse, this method of Patronage, destroyes, or at least weakens the very nature of a Ministers Call, for the Call of a Minister must be Divine, and not humane, it must be of *God* and not of *Men*. The Call of the Apostles indeed, was neither of *Men, nor by Men*, their Office in the Church being extraordinary, & long since determined. They were called immediately by the Lord himself, to be Ear and Eye witnesses of his Doctrine, Miracles and Resurrection, That they might afterwards deliver them to the World. as is clear from *Acts* 1. 23. In which it was impossible for them to have any Successors: whence it is that the Apostle *Paul*, calls himself an Apostle born out of Time, Tho' his Call to the Office was immediatly by Christ himself, and he reckoned himself in other respects, to be not a Whit behind the very Chiefest Apostles. But the calling of the ordinary and standing Officers of the Church, such as *Preaching* and *Ruling Elders*, *Doctors*, and *Deacons*, tho' it be *by Men*, that is by the intervention of such men, as have divine warrand and Commission to Act therein; yet it must not be *of Men*, that is, it neither hath its Authority from

1 *Cor*: 15. 8, 9, 10. 2 *Cor*: ij: 15.

from men, nor must it come thorow the hands of such men, as have no warrand from *Jesus Christ*, the Church's only Head and Law-giver to medle in it. For this were truly to make them the Servants of Men and not of God.

XVII. And that this method of calling the Ministers of the Gospel by Patrons, makes their Call to be partly Humane and *of Men*, I think will need but little to clear it, it being evident, that the rise of the external Call (at least) flowes from such Men, as the Spirit of God never breathed the call of his sent Servants by: and to whom the Looking out, Nomination and Election of the Pastors of the Church, and the *Presenting* them to the Church Judicatories, for Tryal and Admission, was never entrusted or committed. And therefore a Minister's Call in that method must at lest in part, be Humane, and not Divine, And consequently must be *of Men*, and not *of God*, *Malum enim ex quolibet defectu, bonum non nisi ex integra causa.* And as such an unwarantable Mixture, cannot but *pro tanto*, very much weaken (I shall not say nullifie) a Minister's Call, so certainly it cannot but very much marr his Confidence, and obstruct his Comfort, in the exercise of his Ministry: as we shall see hereafter. To this purpose, *Zanchius*

Zanchius tells us, after he hath been speaking of the Ministerial call, *Ex his autem omnibus apparet, quam nulla sit, vel non Legitima, eorum Dei Ministrorum, vel Ecclesiæ Pastorum vocatio, qui solius Regis vel Reginæ, vel Patroni, vel Episcopi, aut Archiepiscopi, Diplomate, Bullis, Fussu & Judicio, fiunt vel Eliguntur; id quod dolendum est adhuc fieri in ys Ecclesiis, qui tamen purum Dei verbum habent, & sequuntur ut in Ecclesia* Anglicana *&c.* That is, it is very clear how much either Null, or at lest not Lawful, the Call of those Ministers of God, or Pastors of the Church must be, who take their Election, only from the Patents, Bulls, Warrands, or Appointment of a King, Queen, Patron or Bishop, *&c.* Which yet to our grief, is done even in these Churches, who have and follow the profession of the true word of God, as in *England* &c.

XVIII. And lastly, the Asserters of this pretended power of Patronage, cannot deny, but it were most absurd and unreasonable, for any single Person, how pious and judicious soever, to assume and take upon him, the Looking out, Nomination and Election, of all the Ruling Elders and Deacons of a Congregations. And to oblidge the Church, to accept and receive, such as he should so Nominat and

Elect

Elect, tho' thoſe (*viz.* the Ruling Elders and Deacons) be but the inferiour Officebearers of the Church, and the people of God no way ſo neerly concerned, in the right choice of them, as in that of their Paſtors, who are appointed of God, as the moſt ſpecial ordinary means of their Salvation. And therefore for any Man without *Chriſt's* warrand, to aſſume the Nomination, and Election of the Paſtors of the Church, who are the principal Officebearers in the Houſe of God, and in the right and due choice of whom, the good of Souls is ſo neerly concerned, muſt be much more abſurd and unreaſonable. And there is no ground that can be urged, for allowing the Patrons a ptiviledge of Electing the Principal Office-bearers of the Church, that may not with much more force and advantage, be preſſed, for giving him a power, to Elect the Inferiour Office bearers alſo.

I grant the caſe is different, but ſtill I ſee no difference, that with any appearance of reaſon, can be aſſigned, to determine the point in favours of the Right of Patronage, as to the Principal Office bearers, and not as to others, ſave this, that the Patrons ſettling of a Maintenance, in favours of the Paſtors, muſt give him a greater Intereſt, in the choice of thoſe, than he can have in that of the others, on whom

whom he hath conferred no Benefice: And of how much weight this pretence is, we have already seen, and shall not repeat what we have said upon this Head.

SECT. XIII.

The power of Patronage, is against the Freedom and Intereſt of common Society.

1. AS this power of Patronage is no Institution of *Jesus Christ*, but clearly inconsistent with, and destructive of his Institutions; so it is against the *Freedom* & *Intereſt* of the Church, considered as a *Common Society*: It being a priviledge naturally Inherent in all free Societies, such as Republicks, Cities, Colledges, Corporations &c. To Elect and Choice their own Rulers and Office bearers, of which Freedom, this priviledge of Patronage, does clearly Robb and Deprive the Church

II. For if we may be allowed as well as others, to guess at the first beginings of Society, and to speak what the common sense of Mankind seems to Dictat, so long as any number of Men are kept together, only by a mutual consent, expres or tacit, to supercede force,

and to live quietly, on what providence brought to their hands; They cannot be said to have been under any proper Government: It being meerly good Humor, and nothing else, that kept them together, in any kind of Society. Man indeed is a Creature Naturally Social, and Society is a kind of Life, that they are by God and Nature designed to; as to mention no other consideration, may be sufficiently manifest, from that one faculty they have, of Communicating their Thoughts to one another, by *speech*; but if they live together only by bonds of good Nature, it cannot be expected that the Corruptions of Men, would let their Societie continue for any long time: so that when ever that bond of good Nature began to fail, they behoved either to quit one another's company, or else betake themselves to some sort of Government; And this could only be established, either voluntarly and by common consent, whereby a superiority and power, was given over the rest to some one or moe, whom they thought fittest to manage it for the good of all: or otherways such a Power and Superiority, was Ambitiously usurped, by such whose Reputation and Authority for Wisdom and Strength, made them conceive themselves most Likely and Able to keep it: which neither deserves the Name, nor satisfies the true ends

ends of Goverment, and ſo the Natural Freedom of Election was ſubverted.

III. And therefore the like Freedom, in in chooſing of ſuch, as are fitteſt for bearing Office, cannot without the higheſt Injurie and uſurpation, be denied to, or wreſted from the Church, and people of God, the moſt truely free born Society on Earth, who with Abraham are Heirs of the World, and Heirs Annexed with Chriſt, by the incomprehenſible love and wiſdom of whom, as her *only Head* and *Law-giver*, the Church is moſt fully and compleatly provided, with all the true and neceſſary freedoms & priviledges, of other Societies, I mean *free Societies*, and not ſuch as are inſlaved to the power of others, where little or no freedom remains, all things being managed meerly for the private intereſt of ſome one or more, particular perſons or Families, to the prejudice and opreſſion of the reſt, either by a forced ſurrender, or an open invaſion of their Liberties, with little reſpect to any publick advantage, except in ſo farr as may conduce, for that private intereſt: And what ever may be ſaid of their Societies, yet the Church is utterly incapable, of making any ſuch ſurrender of her liberties, tho' this pretence (as frivolous as it is) be made

Rom: 4. 13. *Rom:* 8 17.

uſe of by ſome, for a ground to found the rights of Patronage upon, as we have already ſeen.

IV. There is another conſideration of a near affinity with this, that may very properly be made uſe of, againſt the intereſt of Patronage: That as this power is againſt the freedom of comon Society, ſo it is alſo againſt the intereſt of the Church as a Society: For it being uncontroverted, that all pretending to any truſt in a Society, ought both to be qualified for it, and attend upon it, (as is clear in Church Affairs from the Canons againſt non-reſidence) it is as evident on the other hand, that theſe things are no ways to be found in this our Patron: Seing the Patron by vertue of his pretended power and truſt, ſtands no wayes oblidged, to reſide within the paroch, nay nor ſo much as within the National Church, nor to be of the ſame profeſſion of Religion, His right of Patronage being as conſiſtent with his non-reſidence, and with his being Popiſh or other wayes heretical, yea with his being under the higheſt cenſures of the Church, inflicted for his notorious and ſcandalous wickedneſs, as the rights he hath to the other parts of his Eſtate. That being a right *in Patrimonio*, as well as the reſt of his fortune.

V. And

V. And how is it possible for any man in Reason to conceive, that a person in these cases, should be capable (tho' the priviledge should be otherwayes never so alowable) to act in a matter of so high and tender concernment, to the welfare of our Lord's Spiritual interests, and the good of the Souls of his People? For when a Patron does not reside in the Paroch; nor perhaps in the Nation, it is impossible for him to exerce his priviledge upon any rational grounds and motives, or with any proper Judgement and Discretion of his own. All the light he hath to steer by being at best, but an *ignis fatuus* of a naked hear-say, either as to the life and qualifications of the person to be presented, or as to what gifts are most sutable, and proper for such a people; he being equally and utterly ignorant of the need and condition of both, so that he must in this, be unavoidably left, to be acted and driven, by the solistations of his friends or servants, as ignorant, at least as himself, or by other means less honest, without any Judgement of Discretion, like a beast of burden, as the Spirit of God stiles *the man that is in Honour and understandeth not.* *Psal* 49 20.

VI. And if the Patron be Popish, or otherways heretical, or under the censures of the Church, the matter is still worse, if worse can

be. For all the Reason in the World, will oblidge us to presume, that a Patron in these circumstances, will neither be able nor desirous, to discern the Spirit of God (as in this case it is very necessary he should) or to make choice of such Pastors, as may be according to Gods own heart, and may feed his People with knowledge and understanding: It being most certain, that on the contrary, such a Patron will bend his whole force, for Imposing Pastors upon the Church, that may Act most suitably, to his own corrupt and pernicious principles and designs, for advancing such interests, as are incompatible with the honour of God, the Spirit of the Gospel, the welfare of Religion, and the peace and quiet of the Church & Nation, so that to intrust any man in such a case, with such a priviledge as this of Patronage, were indeed *oves lupo committere*, to *give the wolfe the wedder to keep:* as the Proverb says.

VII. These are no remote and airy speculations, but such as deserve the most serious reflection, especially at such a time as this, wherein there is such a General and Visible decay of knowledge and Piety; and Popery is not only tolerate, but in a manner authorized.

VIII. It may also be remembred from

from former and latter times, how that many of the Nobility, and others who resided ordinarly at Court, or went abroad upon Foreign Employments, and had the Patronages of many Kirks, and Benefices in their hands, were wont upon the soliſtation of Friends and Servants, and many times from Motives, and to Ends, of a more dangerous and fatal conſequence, to ſend Preſentations, in favours of ſuch as they never ſaw in the face, nor ſo much as ever heard of, either before or after that time, without making the leaſt ſhadow of a previous Inquiry, into the qualifications and condition, of either Preacher or People: They being as unfit and incapable to diſcern in either, as they were unable and inconcerned, to improve any diſcovery they ſhould make, for the good of the People, by looking out, and preſenting a Paſtor, that might be fit and proper for them. *Ubi ille Canon* (ſays *Athanaſius*) *ut a palatio mittatur is qui futurus eſt Epiſcopus.* Neither need we forget, how many that entered to the Miniſtry in this method, were the occaſion of no ſmall trouble to the Church of God in this Nation.

In Epiſt. ad vitam Solit. agentes.

SECT. XIV.

The power of Patronage *hath been grosly abused, and scandalously offensive, without any necessity or use.*

I. THE next Ground I shall insist upon, against the pretended right of Patronage, is, That as it is no Divine Institution, but clearly destructive of the Institutions of Christ, and of the Natural Freedom and Interests of the Church, considered as a Society: So it is likewise an *useless* and *unnecessary* Invention, and hath been the Fountain and Occasion of many gross *abuses*, and most *scandalously offensive*, to all sorts of Christians in the Church of God. And therefore ought not to be tolerat and allowed, in any Christian Church or State.

II. As for its usefulness or necessity, I cannot understand, neither have I ever heard any thing pretended in its defence, from this Head. And it is impossible any end or use of it can be thought on, but what may very well, and far better be attained, by the due and orderly method of Election, set down in

in the Scriptures. For as the Church is sufficiently, and much better provided for, in that method, by her infinitely wise and loving King and Head; so there needs no other right to give a Minister of the Gospel a lawful Title, to his Maintenance and Living, but his spiritual Capacity, and faithful discharge of the duties of his Function. *The Workman* (says our Lord) *is worthy of his wages*; so that unless the Patron will pretend, that he can state a Minister in a Spiritual Capacity, and so assume a power of *Ordination*, as well as of *Election* (and truly he hath as good ground to claim the one as the other) he can give him no right to his *Maintenance*, as we have already proven. And therefore such a power is not to be tolerate in the Church, by any Christian Magistrate, who ought to use all his Power and Authority for God, and the edification of his People, by *being a terrour to evil doers*, and removing of such corrupt and useless Institutions, as put an obstruction in the way of the precious Ordinances of Jesus Christ, for the Calling of such as may be fittest for the Ministerial Charge, as being the most special ordinary Means, both of his own, and his People's Eternal Happiness.

III. And the Church having in her purest time

times, enjoyed her lawfully called Paſtors. E're ſuch a thing as Patronage was heard of in the World, and when ſhe had no Chriſtian Magiſtrate to protect and defend her: It cannot but ſeem wonderful, *Quorſum*, or for what end, ſuch an Invention ſhall now be maintained, in, and over the Church, when there are Chriſtian Magiſtrates, who *Virtute Officij*, are bound to plead for, and defend her in her Rights and Liberties: ſeing all that is neceſſar, in reference to the Call of a Goſpel Miniſtry, and to their true Right and Maintenance, is far better provided for, by Methods of Divine Appointment. The right of Patronage is as little, and leſs *uſeful*, and I am ſure far more *prejudicial* in this caſe, than in the Call and Maintenance of Men of other Profeſſions, ſuch as *Lawyers*, *Phiſicians*, and common *Mechanicks*: Only men have ſtill a greater itch, to be medling in the matters of God, without a lawful Call, than in other things, that of their own Nature, are ſubject, and by Divine Appointment are left, to a humane Regulation, *nitimur in vetitum*. And therefore, as we had once good reaſon to bleſs God, that the publick Authority of the Nation, in the Year 1649. had aboliſhed this corrupt cuſtom, ſo on the other hand it is to be regrated, that there hath not been that

that same sense of Justice since with a suteable acquiescence, to their so just and rational Determination: especially considering, that if there was any prejudice or loss of Patrimony sustained, it was on the Church's part, and not on the Patron's: as the Act 1649. will easily clear, to any that will be at the pains to peruse it.

IV. In this manner do all Protestant Divines, and our own Writers in particular, argue against the superstitious Corruptions, and Ceremonies of the *Romish* and *English* Churches. And the truth is, if we would but allow our selves calmly and without heat and prejudice, to consider the matter, it cannot but be very surpryfing, to see, that men who pretend, to act for the good and edification of the Church, should yet hazard her Peace and Unity, and the scandalizing and offending, or the marring of the progress of their poor Brethren, in the ways of God, by forcing and violently imposing upon them, *as the only terms of Communion*, under the pain both of Church Censures, and Legal Punishments, The practice of what themselves confess, to be at best but *indifferent*, and no way *necessar*, either upon the account of a Divine Command, or Moral Use; And which their Brethren, upon solid and undenyable Grounds,

Grounds, taken from the Word of God, and the Principles of the Reformation, believe to be superstitious and sinful: Especially, since they are forced to acknowledge, that these Institutions, in which they both agree, are not only Lawful, but do likewise abundantly satisfie, all the necessary ends for which they are appointed; there being nothing alledged, in favour of these superstitious and unnecessary additions, but a pityful and empty shadow of worldly decency and fashionablness, so much decryed by the word of God, *Be not ye conform to this present evil world,* (says the Apostle) and which in no equity can ever come in competition, with the least hazard of losing the Church Unity, or offending the meanest of Christ's Followers. These Practices must certainly render such men justly obnoxious, to the heavy charge of Schism, and to that *Wo* denounced, by our blessed Lord, against such, as should be instrumental, in bringing divisions and offences into the Church. *see Matth. 18. 7.*

V. But to leave this, and come to the next brench of this consideration, we may observe, that as there are few, or no institutions, either Civil or Ecclesiastick, but what by reason of the weakness and wickedness of men, are lyable to be abused, and one way or another may become

become, the cause or occasion, of scandal and offence, to the people of God, and thereby marr their Spiritual Progress, in his wayes; so the abuse and offensiveness of an institution, of itsown Nature, *useless* and *unnecessary*, hath alwayes been held, by all sound Divines, to be a sufficient plea against its farther *use*. The Apostle *Paul* determines this point with a Zeal and a *rather*, very becoming the gravity and importance of the subject matter, that even things, which *extra casum scandali*, are in themselves, not only clearly Lawful and allowed, but in some respect almost necessary, are to be laid aside, and forborn, in the case of scandal and offence. *If meat* says he, *make my Brother to offend, I shall eat no Flesh, while the world Stands.* And therefore, *a fortiori*, and much more ought such things as are not only useless and unnecessary, but clearly unlawful, and prejudicial to the Interest of Christ's Spiritual Kingdom, and the Liberties of his Church to be forborn and laid aside, from farther use, when they become the cause and occasion, of a constant and continued tract of gross abuses, and most scandalously offensive to all sort of Christians, in the Church of God. This is a Consideration, which I hope it will be needless, any farther to illustrat, to

1 Cor 8:

to such as are any way tender of the Spiritual Concerns of the Kingdom of God, or the good of Souls.

And that the Right of Patronage hath been most grosly abused and most scandalously offensive, I think will be no hard task to prove. It will be much more difficult, fully to enumerate, the abuses and offences it hath caused and occasioned. I shall instance some few of them.

VI. First. That Patronage hath been abused to *Simony*, and sacrilegious dilapidation & misapplication, of the Church's Patrimony. The sad experience of the Church in general, and of all the Corners of this land in particular, can abundantly, and but too much witness. I wish the charge were groundless. And the Simoniacal pactions, betwixt Patrons and Intrants occasioned by this useless and corrupt priviledge, have been so many, and have been managed and carried on, in such secret methods, and under such a variety of disguise, that it hath alwayes been found very uneasie to trace them out.

VII. Thus Intrants do sometimes procure themselves presentations, by the means and interest of their friends. But this is not the worst, tho' the provincial Council at *Mentz* in *Germany*, was deeply sensible of the

the prejudice, the Church ſuſtained by it, threatning the Patrons with the Church cenſures, and forfeiture of their Rights, on that account. Take their own words, *Res eſt perniciosi exempli, & quæ pravam ſæpe Eccleſiæ calamitatem affert, quod Patroni tum Eccleſiaſtici, tum Laici, propinquitate junctos, aut alijs meritis et officijs ſibi conciliatos, Idoneis præteritis, ad officia Eccleſiaſtica admovent. Quos præſenti conſtitutione provinciali, in Domino hortamur, et peremptorie monemus, ut a pernicioſo hoc conatu, ſibi temperent: Alioquin ſeveritate pœnarum, rigide cenſemus coercendos, ac talis beneficij collatione vel præſentatione, ſaltem pro hac vice, aut pro gravitate exceſſus* &c. *per omnem vitam privandos.* Council: Magunt:: Cap:68. That is, it is a practice of a moſt pernicious Example, and oft-times is the occaſion of much trouble and calamity to the Church, that both Eccleſiaſtick and Laick Patrons, do advance to Church Offices, thoſe who are their Relations, or others whom they reſpect upon the account of their ſervice or dependance, without reſpect had of their age, or indowments paſſing by ſuch as would be more proper for the charge. Thoſe Patrons we do by this preſent provincial conſtitution, exhort in the Lord, and peremptorly require, to abſtain from theſe per-

pernicious attempts, otherwayes we appoint them to be restrained by this severity of the Church Censures and to be deprived of their Rights of Presentation or Collation, either for that time, or according to the quality of the fault even for their whole Life.

VIII. Sometimes they purchase their Presentations directly for money, and think the price the best bestowed part of their Patrimony, if they can but so obtain them: and so the matter was frequently put to a fair Roup, and he that offered most gained it. And by such courses many times (especially in *England*) Persons of the meanest Rank, and most sordid Employments, *ex infima plebe*, like *Jeraboams* Priests, and without the least qualifications of humane literature, if they could but read the common-Prayer, turned Ministers, and got a benefice, while men that were of any parts and Integrity, and disdained to be guilty of such baseness, could obtain no access to the Ministry.

Cartwright mentions a remarkable instance of this, P. 595.

IX. Again, some times the condition upon which Presentations were granted, was, that the Intrant as soon as *in titulo*, should consent to the dilapidation of the benefice, and to the misapplying of its Rents, by giving the Patron or some other for his behoove, a lease and

and Tack of it for a rent and duty, far within the true worth. And it is much to be regrated, that tho' the Law of the Land, ſtrike againſt the Crime of *Simony* in the General, That yet this *ſpecies* of it, ſhould be expreſly allowed by ſtatute, to be practiſed without any Diſguiſe: *Parl:* 1612. *Cap.* 1.

Tho' even many Popiſh Writers, are aſhamed to own ſuch practices: And the forcited provincial Council, held at *Mentz*, in the year 1549, prohibites to give ſuch Intrants inſtitution in the Benefice, and threatens them with deprivation, if ever ſuch practices be diſcovered. *Alij ſcilicet Patroni* (ſays that Council) *de cenſibus beneficiorum, partem ſibi retinent, aut etiam in totum fructus beneficiorum intercipiunt, his quibus ea, ad ſpeciem infamis cupiditates ſuæ obvelandæ, conferunt, Inanem modo titulum Reliquentes.* —— *diſtricte præcipimus, ne quis Prælatus, ſeu Officialis ejus, ad quem munus inveſtiendi pertinet, ad beneficium, cui animarum Cura annexa eſt, quenquam inveſtire preſumat, niſi qui* &c. —— *Cenſum iſtius Eccleſiæ, ad ſuam ſuſtentationem, ſufficientem eſſe, eumque ſibi a Patrono integrum relinqui, docuerit: Alioquin Inveſtituram talem, inanem et irritam, et Salutaris hujus inhibitionis temerarium* *Concil. Mogunt. ubi ſupra.*

transgressorem, ipso facto ab officio suspendendum, et arbitrio Ordinarij sui puniendum decernimus. Eum vero qui præsentationem, seu Collationem alicujus Beneficij, sive Curati sive non Curati, a Patrono receperit, cum tali pactione, ut Patronus de proventibus beneficij portionem reservet, ad tale beneficium prohibemus Investiri: *Aut si post investituram, talem pactionem fecisse deprehensus fuerit, beneficio decernimus privandum, et eidem beneficio alium Idoneum præficiendum.* That is, some Patrons do retain to themselves a part of the Rents of the Benefice, yea, and sometimes, they intercept the whole profits of it, leaving nothing to these, upon whom, for a cover to their infamous avarice they confer the same, but only a naked and empty Title. And therefore we peremptorly require, that no prelat nor official in his name, to whom the right of institution pertains, presume to give any man institution in a benefice, to which the cure of Souls is annexed, unless he first instruct, that the rents of it are sufficient for his sustentation, and that they are left intire to him by the Patron: Otherways we decern the Institution to be void and null, and ordain such Contraveeners of this wholsom prohibition to be *ipso facto* suspended, from their office, and to be punished at the discretion of their Ordinary.

And

And we doe likewayes prohibit, any such person, as hath accepted of a presentation, upon such conditions from the Patron, to a Benefice, either with, or without Cure, to be institute therein. And if at any time after the Institution such a paction shall be discovered, we ordain him to be deprived of the Benefice, & another fit Person to be put in his place.

X. At other times, the Intrants Friends, at trysts or meetings, about Civil Business, with the Patrons; past from something more or less of their just rights, In favours of the Patrons, *hoc intuitu*, that their Friend may be setled in the Benefice.

XI. Sometimes the Intrants Friends engage for his dependence upon the Patron, and for his concurrence with him, in his designs for promoting a course of defection, and promise him the Intrants suffrage for that effect. And the truth is, Generally, this Right of Patronage, kept the Pastors of the Church, in such a sneaking and slavish dependence, upon great Men, as was most unworthy the Dignity and Character, of a Minister of the Gospel, or any man of Spirit to undergoe.

XII. Thus also gifts were bestowed on the Patron's Wife, and Children, or on some *Gehazies* about him, wherein the Patron did oft times, meanly enough run his share.

In ſhort there are as many ſeveral methods, of practiſing *Simony*, occaſioned by this one device of Patronage, as there are of making up the price or value of a bargain, betwixt Merchant and Merchant, and ſome of them diſhoneſt, diſhonourable and baſe, to that Degree, that it is much ſafer to paſs them over in ſilence, than to teach Men to repeat them by a fuller enumeration.

XIII. But 2*dly*, this corrupt power hath not only expoſed Patrons and Intrants, but even the Churche-Judicatories and People themſelves, to a multitude of temptations. The Scandal and Offenſiveneſs of Patronage, in this reſpect, is but too well known. For theſe alſo very oft, partly from a ſhyneſs, to top with the great Ones, partly from the ſoliſtations and flatteries, and ſometimes the threats that were uſed, for procuring the admiſſion of the Perſon preſented: And finding it hard, to withſtand the tyde and ſtream of the times, or to provide any effectual remedy againſt a growing evil, have been forced to ly by, and ſlight the due inquiry and tryal, of the life and qualifications of the Intrant, and to huddle up the whole matter *perfunctorie*, *et pro more ſcholæ* only.

XIV. And both Presbitry & People were alſo many times deluded and abuſed, by the Patrons

Patrons droping in of a presentation (which he knew, and designed should be rejected) once in the halt year, that he might thereby preserve his right of presentation, from falling *Jure devoluto*, into the hands of the Church: And that he might promote his own private and base ends, of misapplying the profits of the benefice, during the vacancy to his own use: The poor People in the mean while, being oblidged, to seek help from other Ministers, and to depend upon the leasure of such, as were, for the most part, as unable to decern what was requisite, to make a fit and well qualified Minister, as they were careless and unconcerned, to provide them with such, to the great hinderance of the planting of Kirks; whereby the poor people have been unavoidably forced, to ly destitute for a long time, of the preaching of the Gospel, so necessary a mean of their Eternal happiness.

parl. 13. *I.* 6. *p.* 135. *p.* 15, *I.* 6. *p.* 163.

XV. Again, the power of Patronage hath been most offensive, in being abused to the bringing in, and keeping up, of a corrupt, Ignorant, Lazie, and Scandalously prophane Ministry, in the Church of God. I need not enlarge upon this, it is a truth but too well known. The whole Nation can bear witness, That there was never a more Ignorant

Idle and Profane pack of men, that bare the name of Ministers in any Christian Church, since the first dawning of the Reformation from Popery, than many of those, that were obtruded upon the Church, in the time of the late Prelates (to say nothing of the present Prelates) when Patronage was exercised in its full extent. The good Lord deliver and preserve his Church from such a Ministry.

XVI. This power of Patronage hath also many times been laid hold on, when no other pretence would serve the turn, to eject Learned, Godly, Painful, and Successful Ministers, or to disturb them in the peacable Possession of their livings, if their entry was not by the Patron's Presentation, as being the only Legal Title that any man could have for the time. To abstract from that strange Catastrophe, that we see brought about in this Church, in the Years 1661, and 1662. upon the pretence of the want of Presentations, when yet for the time, Patronages stood abolished.

XVII. It hath also been grosly scandalous and offensive, by being an occasion of bringing, the Blessed *Gospel* of Jesus Christ, and the Ministers of it, into contempt: For as on the one hand, there is no secondary mean, that

that does more advance the esteem and value of the Gospel, in the hearts of People, than a sutable and due respect, & a chearful & cordial submission, to such as are imployed in the Ministry of it, as is very clear both from common Reason, and from the Apostles earnestness with the Faithful upon that account. *we beseech you, brethren* (sayes he) *to know them, which labour among you, and are over you in the Lord, and admonish you, and to esteem them very highly in love, for their Works sake.* And again, *Let the Elders that Rule well, be counted worthy of double Honour, especially they that labour in word and Doctrine* (that is both preaching Presbiters and ruling Elders) For the Scripture says, *Thou shall not muzzle the mouth of the Ox, that treadeth out the Corn: and the Labourer is worthy of his reward*: So on the other hand, there is no stratageme, that ever Satan devised, that has had worse, and more effectual influence, for destroying that reverence and free submission, which people owe the Sent Servants of the Lord, than this device of Patronage hath had. 1 Thess. 5. 12 13. 1 Tim: 5 17 1. Cor: 4.

XVIII. And it is morally impossible it should be otherwise, for when people see themselves disappointed, of a person more worthy,

and acceptable, on whom they had set their Eye for a Pastor, and another obtruded upon them in his place, meerly by the Patron's Election, to whom they never consented, and a Legal Force put upon both them and the Presbitry, to receive the Person Presented, and to give him the Maintenance due to their lawful Pastor; How is it possible, so long as men are men, and subject to passion and weakness, but that the effect of such untoward methods, should be to produce, a very cold, backward, and unchearful Submission and Obedience, to such Pastors? There being nothing that more alienates men's minds and affections, than such courses; and *Love* being the main ingredient in *Reverence*, and *that* the great Ground of a chearful and hearty Submission, is it any wonder to see this a missing, where there is so much pains taken to destroy that which breeds it? or how is it possible that a People can be perswaded, that a Pastor is sent of God for their good, when they see, that he hath stept out of God's way, and hath not entered by the right door of Christ's apointment?

XX. Beside all this the whole Nation can witness, that this method of forcing Ministers upon People, without or against their consent, and inclinations, hath had very sad and

and scandalous effects, by raising of Riots, and Tumults, to the great hazard of both parties, as well at the time of the entry as afterwards, besides the loss and trouble the People sustained, by subsequent prosecutions at Law, upon that account.

Many other instances might be given, of the gross abuses and scandals, occasioned by this corrupt and useless priviledge, but these may suffice. And the truth is, It is no savory imployment to rake into such a Dunghil of Corruption.

XX. Only I cannot omit to observe, that which is the most Natural Effect, of the unwarrantable mixture, that appears in such a Call to the Ministry. For beside the bad influence this may have on People, to raise a just distaste and prejudice in their minds, against such ministers, It cannot but also be very hurtful to a Minister himself, in marring his confidence, and obstructing his comfort in performing the duties of his function, when he sees himself disabled (especialy in times of trial and persecution) to behave, in the discharge of his trust, with that vigor and confidence, that becomes a Sent Servant of Jesus Christ, and a Workman that needs not be ashamed. To this purpose, there is a passage of the Apostle *Paul*, 2 *Tim* 2 15. 2 *Cor.* 4. 1.

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in the second Epistle to the *Corinthians*, very remarkable, where he founds the cause of his not fainting, in the Work of the Lord, in the midst of difficulties, upon the assurance he had, of his having received the Call of his Ministry from no other hand, but that which had been the Fountain of Mercy to him. *Having received this Ministry* (says he) *as we have received Mercy, therefore we faint not.* And hence it is, that generally in all the Epistles, directed to the several Churches, The Writer still begins, with his Title of *Apostle, Servant of Christ, Elder*, &c. thereby intimating, that their great ground of Confidence, and Comfort, in delivering the Message of the Gospel, was founded on the assurance they had, of their Lawful Call to the Ministry.

XXI. This is a Truth that hath been confirmed, by the experience of several Ministers in this Church. For tho' some of them were both faithful and diligent in their duty, to the intire satisfaction of their People; yet when they came to discover the sinfulness of their entry, by this unwarrantable method of Patronage, they have been kept under long and sad exercise of Spirit, and put to serious and deep humiliation before the Lord, e're they could attain to any measure of confidence,

fidence, that they were authorized of God, to deliver a Meſſage in his Name, or could get their Conſcience brought to any calm and quiet, from the fears of being under the guilt of ſuch, as *run unſent*, or could think they had a good right to that *Peace*, which our bleſſed Lord left, as his laſt and farewell token, to his Diſciples, and in them to all his Sent Servants, as the natural and kindly Effect, of their Lawful Call to the Miniſtry. *Peace be unto you*, (ſays our Bleſſed Lord) *as my Father hath ſent me, ſo ſend I you.* John 20: 21.

XXII. And many Miniſters, who have ſitten down with too much ſatisfaction, as to ſuch a Call, and way of Entry, have been made to ſee, that ſuch of their Brethren and People, as had skill to diſcern the Spirits, and know the Voice of Chriſt, in his Sent Servants, had thoughts of them very different, from their own. Theſe being able to diſcover in ſuch Paſtors, but very little of that aſſiſtance and ſupport, which the Lord ordinarly vouchſafes to beſtow, on his own Ambaſſadors, ſent upon ſuch a weighty and important Errand, as the delivery of *a Meſſage of Reconciliation with God*, to a People in his Name

XXIII. Others have but too much endeavoured

deavoured to ſtiffle, and bear down the checks of their Conſcience, in this matter, but have found themſelves very much ſtraitned, to own & avow (as a Faithful Paſtor ſhould) that they had a Warrand and Commiſſion, to ſpeak to their People, in the Name of Chriſt, And if at any time, they ventured upon it, their Conſcience would ſtare them in the face, and tell them, that their people did with too much reaſon ſuſpect their ſincerity in it, ſeing their entry was not by the right Door, but that in ſome one or moe ſteps, they had clumb up another way.

XXIV. And as in times of trial and difficulty, the checks of a man's Conſcience, do ordinarly turn more ſharp and uneaſy, ſo at ſuch times eſpecially; the comfort of ſuch Miniſters as entered by Patrons, have proven very faint and cold: and the truth is, it is but little wonder, That ſuch as have no *ſparks to warm them at*, in this caſe, but theſe of mens *kindling*, have *this from the Lord's hand, that they ſhall lye down in ſorrow.* *Eſay.* 50. 11. Confidence and Comfort (in theſe matters eſpecially) are mutual Supports, and Strengthners of each other, and there is no ſuch ground in the World, for both, as that calm ſerenity of Mind, and peace of Conſcience, which flowes from the aſſu-

aſſurance a man hath, of having regulate his Actions, (eſpecially when they relate to the matters of God, and his Church) by the Divine and Unerring Rules of the Scripture.

XXV. And tho' many pious and worthy Perſons, have entered to the Miniſtry in this method, yet it is to be conſidered, that *multa ſunt toleranda in Eccleſiæ, aut Reipublicæ ſtatu perturbato, quæ non ſunt approbanda.* I ſhall not determine, how farr ſuch a toleration may be extended, but ſure I am, to argue from their practice at a time, when entry to the Miniſtry could not be otherwiſe had, to the keeping up of ſuch an abuſe when it may be taken away, as it was once well taken away, is a conſequence beyond all rational comprehenſion. Thoſe Miniſters ordinarly, had the voluntar conſent, of the Church and People intereſſed, which makes up the *Subſtance* of *Election*. And if they had not this, I do not ſee how they could have been free of the guilt of having *run unſent*, *ubi libertas Electionis* (ſayes Doctor *Ames*) *ab epiſcopis, Magiſtratu, Patronis Imminuitur. quamvis Electio non ſit eo modo et gradu libera, quo oportet, Conſenſus tamen voluntarius, ut in Conjugio, ſic in Miniſterio, licet iniquis rationibus procuretur, eſſentiam habet Electionis et vocationis neceſ-*

de caſibus Conſ. Cap 25 § 29.

sario Requisitæ. That is, tho' in such cases, the Election be not in that manner, and to that degree, so free as it ought to be; yet the voluntary consent of these interessed, as in the case of Marriage, so in this of the Ministry, hath the necessary Essence and Substance, of ane Election and Call.

SECT. XV

Patronage *is a symbolizing with Idolaters, and against the Doctrine and Discipline of this Church.*

I. THE last ground that we shall insist upon, against the interests of Patronage, is, that it being a *Popish* device, without any use or necessity, ought even upon that account to be rejected. I grant indeed, that it is no sufficient Argument, simply to say, that a thing is devised or practised by the Popish Church, if it were founded on any necessity, either of *means* or *precept*, that is, if it were either *morally necessary*, or *positively commanded*; But we may well conclude, that the complying and symbolizing with Idolaters, in things *unnecessary*, or even, things simply

ſimply *indifferent*, is ſinful and unlawful. Thus we find the Lord prohibiteth his People, from complying with, or imitation *of the Heathen, in cutting the Hair, or rounding the corners of the Head* &c: which are things in themſelves, at worſt but indifferent. And therefore, *a fortiori*, and much more, is it unjuſtifiable, to comply with Idolaters, In keeping up and maintaining ſuch *Popiſh* devices, as are not only in themſelves, uſeleſs and unneceſſary, but are likewayes clearly prejudcial and deſtructive, to the intereſts and liberties of the Church of God; And have moreover a Natural Tendency, to foſter Superſtition, and an *Anti-evangelical* Opinion of *Merit*. Lev: 19: 27

II. And that this power of Patronage is of that nature, is abundantly clear, from what is already ſaid, in the begining and progreſs of this Diſcourſe. And to this day, where ever it is maintained in its full Latitude, as in the *Popiſh Churches*, daily experience confirms the truth of this Charge. For, as Superſtition, and the Opinion of Merit, were the great Principles, that gave Birth and Life to this corrupt and uſeleſs Invention, and have multiplied Patronages to ſo vaſt a number, as will appear to any that will peruſe the Popiſh Writers: ſo it is but little wonder, that this

this power ſtill retain a native tendency, to foſter theſe breaſts, from which it drew its firſt ſtrength and aliment: There being nothing more natural, than for a thing both to preſerve, and be preſerved, by the ſame means, by which it began at firſt to have a Beeing. It were eaſie to enlarge upon this Conſideration, but the thing it ſelf being abundantly clear, I ſhall leave it to the Reader's own conſideration, That will furniſh him with more than is neceſſar to ſet down in this diſcourſe, which hath already exceeded the brevity at firſt deſigned.

III. There are many other Grounds that might be inſiſted on, againſt the Intereſt of Patronage, but theſe already propoſed, I hope, upon due conſideration, will be found to be a ſufficient proof of our aſſertion, and the intended brevity of this Eſſay will not allow me to enlarge any farther. And therefore I ſhall only add, that this power of Patronage, is contrary to the Doctrine, Diſcipline, and Government of this Church, received from the firſt Dawning of the Reformation from popery (as hath been ſhewn in the entry of this diſcourſe, & ſhall not now be reſumed) which the whole Nation, hath ſo often, and Solemnly Vowed and engaged to Maintaine. And it is hoped, that none, who have been

been Born and Baptized in this National Church, will upon ſerious and deliberate reflection, think this Device, which is ſo unwarrantable, uſeleſs and offenſive, and ſo prejudicial and deſtructive to the worſhip and ſervice of God, and the good of the Souls of his People; Of ſo much worth and value, as to run themſelves and their poſterity, by the defence and practiſe of it, under the hazard, that the breach of ſuch ſolemn Engagements may bring upon them.

IV And what ever diſorder may be pretended by the Adverſaries of Religion, to have been in going about the *Reformation*, either in this or other Countries; yet as it is not much to be admired, if in ſuch a horrid confuſion and darkneſs, as the affairs of both Church and ſtate were brought to at that time, there was ſomthing of an unavoidable *ſuperpurge*, upon a Body full of ſo groſs Humors, and fixed and inveterate Diſeaſes, where it was impoſſible for the beſt Phiſitians, at the firſt, to know the *Quantum ſufficit*, and the juſt and true Doſe requiſite for ſuch an untractable patient: Eſpecially after all that they call Regular and orderly methods, had been ſo often attempted with out the leaſt ſucceſs: *Omne enim pharmacum, habet in ſe aliquid veneni: Et omne medicum, aliquid violenti, et nullum eſt magnum*

exemplum, sine aliqua mixtura injustitiæ. There being no Drug, without some mixture of Poison, no Physick, without something violent in it, nor any great example or advantage, without some small loss; which yet our Adversaries will be very much straitned to instruct. So sure I am in the present case, this corrupt power of Patronage, was once taken away, not in any disorderly manner, nor so suddenly as it might have been, but after a long tract of time, and much trouble and pains, was abolished by publick Authority, in the most calm and deliberate method imaginable.

SECT: XVI.

A pretence that the Patron meddles with nothing of Election, or what is properly Ecclesiastical.

1. I Come now to the last part of the method proposed, which is to examine such pretences, as may be offered, to extenuate the injuries, that we have demonstrate the Church sustains, by occasion of the corrupt and useless priviledges of Patronage, and to clear that the Church's prejudice thereby is not so great as it is represented to be.

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II. The first pretence of this nature we meet with is, that the priviledge acclaimed, in the Call of a Minister, cannot be said to be any right of Election: For when a Patron *Presents* a Minister, he makes no formal *Election*, but leaves that, and all the rest of the Ecclesiastical part, *viz. Tryal* and *Admission*; intirely to the Presbitery. So that after *Tryal*, *Election* may follow or not follow, as the Presbitery sees cause. And the Presbitery and Parish, may reject the person presented, in case he be found insufficient, or unqualified. And therefore the power of Patronage is not so injurious, to the interests of the Church, as it is represented to be.

III. This pretence consists of several branches; which I shall handle severally, the first is, that the Patron makes no formal Election, as to which it may be considered.

First, that tho' in a *formal*, *orderly*, and *Lawful Election*, the *Looking out*, the *Nomination*, and the *Election*, of a Pastor, be distinct Acts; yet, as in other cases, all usurpations and corruptions, are full of disorder and confusion, so particularly in this of Patronage also, these *distinct Acts*, are absolutely *Confounded*: For whereas in the orderly way of the *Looking out Nomination* and *Electi-*

on of a Paſtor. there is a *joint concurrence*, of all concerned in it, To wit both of *Church-Judicatories* and *Church of Beleivers* reſpectively, each of them acting, and keeping within their own Spheres, As 1. Both concur in the *Looking out*, of ſuch perſons, as may be fit and proper, for ſuch a Charge. 2. They both concur in the *Nomination*, of ſuch as they have looked out. 3. They pitch upon, and Elect, one of thoſe whom they have ſo Looked out and Nominate. And after all the Church *Sets* the perſon thus Elected *before*, or *Preſents* him to the Preſbitery, for tryal and admiſſion.

IV. But upon the contrary, In this method of Patronage, the caſe is quite different. For here, the Patron *by himſelf alone*, and without, yea and often againſt, the advice and concurrence of any intereſſed, doth by *one* ſingle and confuſed Act of Preſentation, both *Look out*, *Nominat* and *Elect*, what perſons he pleaſeth, for ſuch a Charge; and *Sets* them *before*, or *Preſents* them to the Presbitery, for *tryal* and *admiſſion*, paſſing by all others: Obliging the Church to receive and admit thoſe he hath preſented, if they be found in the meaneſt meaſure, *externally* Qualified, accotding to the letter of the Church Laws, for the Office of a Paſtor.

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So that what the patrons leave to the Church, is not to make any Election, that being done by himself to their hand, but only *Declaratively*, to find, whether the person Elected by the patron, be in any measure externally Qualified, for the Office in general or not; without respect to any Inquiry, whether he be fit for such a people, or any other Consideration whatsoever.

V. Secondly this one single and confused Act, including the *Looking out*, the *Nomination*, the *Election*, and the *Seting*, or *Presenting* of the person Elected, before the Church Judicatories, puts the person presented, as far forward, in order to his *Admission*, as all these distinct Acts, that both the Church-Judicatories, and Church of Believers, in the most orderly and Lawful Method, can do. For the next step after this, in both cases, is to proceed to the *Tryals*, of the person pitched upon. And therefore the patrons *One* single and confused Act, of Presentation, compleats the Election, as well as all the other distinct Acts. And by the way, we may notice, what pains and trouble it cost this Church, in former times to procure from the King, That in cases where he was Patron, the Presbitery and Parish might send a list of Four to Court, out of which the King was to Elect One.

VI. Thirdly, tho' it should fall out (as seldom if ever it doth) that after *Tryal*, both Presbitery and People, should fully approve of, and be satisfied with, the Person Elected by the Patron, both as to his fitness and qualifications for the Office of a Pastor in general, and for such a charge and People in particular, yet the Act of the Church in that case, may well be termed a subsequent and supervenient consent, to an Election already made by the Patron, by himself, and without their concurrence; but can never in any propriety of speech, nor from the *Nature* of the *Act*, be termed the *Election* it self. All that is here left in the Church's power, being indeed nothing else, but simply to *find* and *declare*, whether the Person *Elected* by the Patron, be sufficient. And that only in so farr as concerns the meerly *external* qualifications, that are simply necessary, by the letter of the Church Laws, for the Office of a Pastor in General. And sure I am there is none that have any measure of true Piety, or sincerity, but will think, that to say no more, there is somthing farther requisite, to be considered, in the Election of a Pastor, that may be fit and proper for the particular charge, of such and such a People, who may be *One among a Thousand*, as it is *Job.* 33. which in the method of Election by

by Patrons, can never fall within the reach of the cognisance of the Church, (who only are, and can be, the proper and discerning Judges of it) to inquire into. And tho' the Church, as she is bound, should dipp upon these farther considerations, and thereupon find cause, to reject the Person presented by the Patron; yet her determinations therein, would not be regarded, as being absolutely inconsistent with the exercise of the priviledge of Patronage; the Patron being oblidged to stand to the issue of no other inquiry, but what Concerns the meerly *external* and *common qualifications*, that are simply necessary for the office in general, as I have already said.

VII. As to the second branch of this pretence, it is very clear, both from what hath been just now said, and from what is said in the former part of this discourse, that *Tryal* and *Admission*, make not up all the Ecclesiastical part of a Ministers Call. The Church-Judicatories and People, have a farther interest, in the *Election* of such as are to be members of the one, and Pastors of the other, as hath been sufficiently cleared. And tho' this were all the Ecclesiastical part, yet even that cannot be said to be left untouched by the Patron: For to say nothing of what the Canonists maintain, that such as are presented *ab Universi-*

versitatibus, seu generalium studiorum Collegys, are to be admitted without any tryal or Examination; which clearly takes away tryal from the Church, tho' there can no presumption ly in the case for these Patrons, to lay aside the tryal of the person presented, Except in so farr as concerns his knowledge in ordinary literature. I say, beside this, it is very clear, that the Church cannot be free and unlimited, in the tryal and admission, so long as the Patron, leaves not the Church to a free choice, and ties not himself to her free choice; but on the contrary, binds up the Church to the Election made by him.

VIII. And tho' Patron should be tied to the Church's free Election, either by Law, or by his own consent, yet he would still remaine as ane unwarrantable, useless and unnecessary obstruction, to the planting of the Church, with fit and well qualified Pastors. They being still oblidged to depend upon an extrinsick power, for compleating of their Call, as if it were defective without him.

IX. And as the sad experience of the Church in general, (if men would doe themselves the favour, to see things as they are, and without prejudice and prepossession) hath in all Ages, sufficiently demonstrated, that there is no method under Heaven, that can regulat the

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Inventions of men, in the matters of God, so as to keep them within any tolerable bounds; so the experience of our own Church in particular, hath confirmed this truth beyond all contradiction.

X. We all know, (to give no other instance) what provisions and limitations, were made by the Church, by King *James* the sixth his own consent, in the Year 1600. with all the Caution, that humane foresight or providence, could devise, for reducing of *Episcopacy*, to some kind of *Moderation*, as they term it, to which the Bishops themselves did consent, subscribe and solemnly swear, and the King in person, in the General Assembly, did ratifie the whole matter: All the freedoms and liberties of *Presbitery* being confirmed by parliament. And we know as well that all the bonds that could be put on the *Prelates* did in a short time (as many did then foresee) prove nothing else, but Ropes of Sand, and as uncapable to bridle the lusts of that corrupt and Ambitious party, as a *Fish-hook, or a Thorn would be to catch the great Leviathan*, Job 41. In short, all these caveats, and injunctions, solemn Vows, Oaths, and Promises were broken, and the Bishops mounted to their usual Grandeur. and Lordly Dominion over the Church, notwithstanding of them all. The Church complains

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and cryes out, on that violent and treacherous alteration of her eſtabliſhed Government. And the Biſhops find themſelves oblidged to meet and conſult, how to vindicate themſelves, from ſuch terrible Imputations. And accordingly they publiſh an Apology in *Latine*, and addreſs it to all Chriſtian Churches, at home and abroad. An Apology that as it diſcovers their Treatchery and Perjury, to be a moſt deteſtable and horrid piece of Villany; ſo it clearly tells us, what effect the moſt wiſe and prudent regulations, of ſuch humane Inventions in the matters of God will have: And may ſerve the Church, for a conſtant beacon, to beware of taking the like meaſurs for the future. Take their own words, *Conditiones iſtæ, pro tempore magis, quo contentioſis rixandi anſa præriperetur, quam animo in perpetuum obſervandi acceptæ.* That is, their deſign in theſe ſolemn Promiſes Vows and Oaths, was never to keep them, but only to ſerve a Turn, and to lull the People unto ſome ſort of a calm and ſecurity againſt the clamor, that was raiſed upon the apparent alteration, of the Eſtabliſhed Government of the Church.

Reſultatio libelli de regimine Eccles. Scotican.

An Apology indeed *Ingenuous* enough, and very becomming the *Faith* and *ſincerity*, of

of that party, who ſtill incline to follow the *Wiſdom* of the old *Serpent*, without any mixture of the *Innocence* and *Simplicity* of the *Dove*, but I am ſure it were ſcarce credible, that ever any, that pretended, to the name of a *Clergy-Man*, or to the Title of the Reverend, and Spiritual Fathers of the Church, ſhould make uſe of it, if they themſelves, had not publiſhed it to the World. And there is no Crime their Adverſaries could charge them with of a blacker Nature, than this defence faſtens upon them.

XI. But this not being my preſent deſigne, having only faln by accident upon this particular; The true uſe of it, that at preſent we intend, is, that it would be a piece of ſtupid, and ſinful folly, after ſuch a warning, to run our ſelves, upon theſe Rocks, on which the peace and ſafety of the Church, hath been ſo oft ready to ſplit. If in ſuch caſes we ſhould be-take our ſelves, to rely on our own pitiful and weak Counſels and projects, and reject, the inſtitutions of the *Infinite* and *unſearchable*, *Love* and *Wiſdome*, of God, we ſhould truely be *guilty of forſaking the Fountain of Living Waters*, *and of Hewing out to our ſelves*, *Ciſterns*, *broken Ciſterns*, *that can hold no Water*, And ſhould take the moſt compendious method, that could be, to *Jer* 2, 13 *Levit* 26

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provoke the Lord, to punish us yet seven times more, for all our iniquities.

XII. The true Rule in these cases, is, that since such Institutions, as are not in themselves, absolutely necessary, either by necessity of Means, or Precept, and do of their own nature, so much tend to Corruption, Oppression, Scandal and Superstition, tho' never so well regulat; are still ready to deboard, and exceed all bounds; Therefore, the best, and only way, to prevent their exorbitancies, is altogether to Cashier them, from any other farther use.

XIII. I shall only add, that as the Institution of *Visitations*, was very fit and necessary, for enquiring into the lives and carriages of the pastors of the Church, after they were admitted and settled; so it is sufficiently known, that the patrons of Kirks and Benefices, have still endeavoured, with all their force, to put a stop to the exercise of these *Visitations*, as knowing that most of the pastors of their Nomination, were as little, or less able, to endure such a scrutiny, as they were unsatisfactory, at their first admission. I shall not mention, what other Reasons, the patrons had, for such a kindly protection of those men; they may be easily guessed, tho' I am sure with little credit, to either party.

SECT XVII.

SECT. XVII.

Another pretence, that the Church *may reject the Person presented, in case of* insufficiency.

1. THE next pretence that may be made use of, to alleviat the guilt of patronage, in its usurpations over the Liberties of the Church, is this, That the Parish or Presbitery, may reject, or refuse to admit, the person Elected by the Patron, in case, that after tryal, he be found insufficient, or unqualified, either as to parts or manners. And therefore the Church can be at no loss by the Rights of Patronage.

II. It must certainly be an other force, than that of Reason, that can draw such a consequence. This method of arguing, is just the same, as if a man should say, it is needless to stop the entry of a Robber into a house, or to put him out after he is entred, because any harm he can doe, may be easily either diverted, or repaired, sure I am this is very far

far from our Bleſſed Lord's method of reaſoning. *If* (ſays he) *the good man of the houſe, had known, in what watch the Thief would come, he would have watched, and not have ſuffered his houſe, to have been broken up.*

Matth. 29. Luk. 12. 39.

III. If *evil muſt not be done, that good may come of it*; and if the Jeſuitick Quibbles of a *good intention*, cannot juſtifie a bad action; much leſs is evil to be tolerate and allowed, becauſe 'tis poſſible to prevent, or repair its bad effects, *Nam quod poſſibile eſt eſſe, poſſibile eſt non eſſe*, one *may be* anſwers another, That which may be, may alſo not be. There is ſtill a hazard in the matter, and Chriſtian prudence oblidges us, to ſhun even the *leaſt appearance of evil*, as far as we may. The true rule in ſuch caſes, (as I already marked) is, to aboliſh an uſeleſs and dangerous cuſtom, or rather *corruption*, ſince *vetuſtas erroris non conſuetudo, ſed corruptela dicenda eſt*; and then indeed the conſequence will be good, that the Church can be at no loſs by it, *Mortui non Mordent*, ſays the proverb.

IV. And next, beſide that the power of Patronage, doth unneceſſarly expoſe Intrants to diſcouragement, by being rejected for *Inſufficiency*, and alſo expoſeth the Church-Judicatories, to an unjuſt and cauſeleſs *odium* and

and reproach, of too much rigor and severity, which if the right of Election were in the Church's own hand, as it ought to be, would be very much prevented, I say, beside this we have already observed, what true *liberty*, this power of Patronage leaves to the Church, in the choise and tryal of her Pastors. And when ever the Presbitery rejects the Person presented, upon any head that is not grounded, upon his *Insufficiency* and *Scandal*, the Patron looks upon his priviledge, as highly injured, he being oblidged to stand to no such determination: And when ever they reject upon *Scandal* or *insufficiency*, unless it be most palpably and clearly manifest, which is not alwayes necessary, for a Pastor ought not only to be *free of Scandal*, but as the Apostle positively requires, he ought to be of *an intire fame*, and known good report; I say, if such insufficiency be not palpably manifest, there is presently a terrible outcry, and a constant foundation laid of many tedious Appeals, and litigious Debates, concerning the *quantum sufficit* of a Pastors qualifications, &c. from one Church-Judicatory to another, with little credit to the Patron, and far less to the Intrant. And upon this consideration alone tho' there were no other, the Church's freedom in the

1 Tim. 2. 2, 7. Tit. 1.

tryal

tryal and admission of her Pastors, is very much hindered, as the Liberty of Marriage in the case of waird Vassals, is abridged by the Power and Interest of the Superior, and the niceties of the *feudal customs*. And certainly as their is no sort of contract in the World, wherein a perfect liberty and freedom of choice, ought more to predomine, (if I may so say) then in that of Marriage; so the Church, by the appointment of God, hath much freedom, in the Election of her Pastors, which are his Spiritual Husbands. And as any force or undue influence, in the one case is very odious, so in the other likewise it is no less so. The Simile is easily understood and therefore I shall urge it no farther. A waird holding in such cases as this, is certainly a very *hard* and dangerous Tenure.

V. But besides, when a person presented by the Patron is rejected by the Presbitery, the Patron's right stands still intire, to Elect and present *de novo*, some other person *ejusdem farinæ*, with the former, and so the Church most of new again, be inviegled in the same troubles and perplexities, and all to no purpose or use.

VI. Again, in the Election of Pastors by the Patrons, the Church and People interested, have little or no power to withstand the admis-

admission, or to nullifie the Election, more than any meer Stranger, that will undertake, to prove the *insufficiency*, or *Scandalous* carriage, of the person presented.

VII. And to say, that an institution, under which the Church and People of God, hath so long groaned, and which was forced and obtruded upon her, without the least shadow of a warrand, from the word of God, or the least pretence of usefulness, for promotting their Spiritual good and edification, is no way injurious to the Church, implyes a manifest contradiction.

VIII. Lastly, and I shall add no more, tho' the Patron should present none, but such as are some way fit; yet the Church's liberty and freedom of Election, remains still under restraint: For tho' the Church should have power to reject never so many; yet a people shall never come to enjoy the Pastor, they chiefly desire, and that would be most acceptable to them, so long as the patron, and not the Church her self, retains the right or power of Election. And certainly the sense of such a grievous oppression, cannot but make all that are any way tender, or concerned in the interests of the Church of Christ, especially those that have been witnesses of a far different State of affairs, and of the great advantages

that attended it, to be serious and fervent, in prayer to God, for removing, and averting such a Bondage and Slavery, from the Church and people of God, for the future.

SECT. XVIII.

Another pretence from the distinction of Laick and Ecclesiastick Patronages.

1. THere is another pretence made use of, to extenuate the guilt, of the pretended power of Patronage, that is much boasted of by many (tho' I confess I am unable to discover where its strength lies) who grant that indeed there are many cogent Arguments against *Laick* Patronages, as they term them, and that these may be and have been, very injurious, to the interest of the Church, but that yet *Ecclesiastick* Patronages, may be very useful. If you ask them what they mean by these, they cannot tell, but still they tell you, *Ecclesiastick* Patronages, are very useful, because they are in the Church's own hand, as the very word imports. However the plain sense of this, (if it have any) I take to be this, that it is very fit this priviledge should be intrusted, in the hands of Bishops, who are *Ecclesiastick* Officers and Gover-

Governours, but not in the hands of others.

II. I cannot ſtay to examine this diſtinction, tho' I can hardly be perſwaded it is good Senſe as it is ordinarly uſed, ſince the moſt part of the Patronages, that belonged to the Biſhops, may truly be termed *Laick* Patronages, both in reſpect of their *Original*, the moſt of them having been at firſt ſetled, in the hands of the *Laity* (as they are termed) and alſo in reſpect of their *conveyance*, which was by a grant from the Civil Magiſtrate, by rights under the *Great Seal* &c. And beſides the true meaning of this diſtinction, (paſſing by the Notion and uſe that Lawyers have and make of it) is, it ſeems, to be taken, not from the *quality* of the *Perſon*, in whoſe hands a Patronage is ſetled, whether they be perſons in a *Civil* or in an *Eccleſiaſtick* Capacity; but from the *quality* of the *ſtock* and *fond*, out of which the Kirks were built, or the benefices ſetled: For if the ſtock was out of the *private* Patrimony of any man, whether he was of the *Clergy*, or of the *Laity*, the Patronage muſt be *Laick*; and if it be out of the Patrimony of the Church, the Patronage muſt be *Eccleſiaſtick*.

III. But not to inſiſt on theſe Topicks, this pretence is abſolutly groundleſs. 1. Becauſe, the Argument adduced, ſtriks equally againſt all ſot of Patronages,

and against all such negative interests, in the Election or Maintenance, of the Ministers of the Gospel, as are not of Divine appointment and institution.

IV. Next, Bishops have no more warrand from Scripture, for such an interest, and priviledge, than others have. And the power of Patronage hath been as grosly abused, if not more, and as scandalously offensive, and I am sure more prejudicial to the interests of the Church, and to the thriving of Religion, when in the hands of the Bishops, than when in the hands of other persons. And there is no ground from Scripture, either by precept, promise or example, that any one Church Officer, should ordinarly be intrusted, with such an interest and priviledge, in the Looking out, Nomination and Election, and in the Maintenance or Living of the Ministers of the Gospel.

V. But to cut of all farther debate, we utterly disclaime any such Officer in the Church, as a *Bishop*, in a sense superior to, or distinct from an ordinary preaching *Presbiter* or Elder: These terms are of one and the self same signification in the Scripture, as will appear to any, that will be at the pains to read the Texts, where ever the word Bishop is mentioned. And I know no man or Angel, that hath power

power to ſeparate, what the Spirit of God in the Scripture has joyned, and made one and the ſame. And conſequently a Biſhop can have no ſuch priviledge. *Non entis nulla ſunt accidentia, nullæ affectiones, nullæ proprietates.*

VI. And tho' prelacy were a Lawful Office, as it is not, and tho' the Prelates were Succeſſors to the Apoſtles, as they moſt ridiculouſly pretend, (ſince as we already cleared, it was impoſſible the deſign of their Office, could admit of any Succeſſion) yet ſure I am in this priviledge of Patronage, they never did, nor doe follow the example of the Apoſtles: For even the Apoſtles themſelves, in the Election of *Matthias*, to be one of their number, made uſe of the Concurrence of the People: And in the ordination of the Paſtors of the Church, they made uſe of the concurrence, both of the Presbitry and People. And if they joined the Presbitry and People, and admitted them to an intereſt, in relation to the higheſt acts of the Miniſterial Call, they queſtionleſs alſo left them a ſhare, in the Looking out, Nomination, and Election, of the ordinary paſtors, *Nam qui vult majus, vult etiam minus.* Nay which is more, the ordinary Teachers of the Church, and others did concurr, in ſending out of the

1 *Tim* 4. 14

Act 15. 22. 25. 27
Act. 13. 1. 2. 3.
Act. 14 27. 28.

very Apoſtles themſelves, to ſome ſpecial pieces of their Miniſtry. And accordingly the Apoſtles, think it not below their Dignity, to give them an account how they had behaved in their Commiſſion. So that let the Prelates pretend *Succeſſion* to whom they will, they can never pretend to be Succeſſors of the Apoſtles, to whom a *Sole power* of *Juriſdiction* and *Ordination*, was as much a Stranger, as to any Preſbyter in the Church.

VII. But laſtly, if by Eccleſiaſtick Patronages, the Lawful Church Judicatories, be meant, tho' in that caſe, both the Title of Patronage, and the extent of power thereby underſtood, muſt be rejected; yet there is no doubt, but the Judicatories of the Church, have a very ſpecial hand, and intereſt, in the Looking out, Nomination and Election, of the Miniſters of the Goſpel, and have a power *Miniſterially* to authorize them, for their office, and to ſend them forth, to *Labour* in *the Lord's Vine-Yard.* And by conſequence, do alſo *Miniſterially* inveſt them, with a Right to meddle with their Maintenance. A Miniſters only Right thereto, being a Lawful call to the Office, and Faithful diſcharge of his duty, in it, as we have formerly marked.

SECT.

SECT. XIX.

A pretence from the failings and miſtakes of the Church Judicatories. &c.

I. THE laſt pretence that I ſhall notice, is this, that Presbitries and People are not infallible, but are ſubject to Miſtake, and Erre, in the Election and Choice of Paſtors, as well as the Patrons. And therefore the Patron's Power of Election, is no more injurious to the Church, than ſhe is to her ſelf.

II. For anſwer to this, it may be conſidered, *Firſt*; That the lawful and ordinary method, of Electing the Paſtors of the Church, being an Ordinance and Inſtitution, of Divine Appointment; and the power of Patronage, on the contrary, being nothing elſe, but an uſeleſs Invention of Men, and a moſt groundleſs and unreaſonable Uſurpation upon the Church, and clearly inconſiſtent with, and deſtructive of, the Inſtitutions of *Jeſus Chriſt*; The Church and People of God, may very ſafely and confidenrly, rely and depend, upon the Lord, for his Bleſſing and direcți.

direction, in the right choice of the Miniſters of the Goſpel, when they Act in a way of his own appointment; which they who Act in ſo unjuſt, and unwarrantable a method, as this of Patronage, have no ground to expect. And tho' the Lord, for wiſe and holy ends, may ſome times leave his Church and People, to themſelves, and let them fall in errors and miſtakes, in this as well as in other caſes; yet duty muſt not be forſaken, for fear of failings, in the performance. We muſt both Pray to God, for a diſcovery of what is duty, when it is unclear to us, and when it is diſcovered, we muſt Pray for ſtrength and aſſiſtance, to perform it a right, and then ſet about it, in the Lord's ſtrength, with a humble confidence, and dependance upon him, for his bleſſing and direction, *who hath never ſaid to the houſe of* Jacob, *ſeek ye my face in vain.*

III. Next, tho' as is already ſaid, there be no inſtitution, either in Church or State, but what by Reaſon of the Weakneſs, and Corruption of Men, may be abuſed; yet this is no ſufficient ground, for laying aſide an inſtitution, that is either *morally neceſſary*, or *poſitively enjoined* by God. The only rule and remedie in this caſe, is, *Tollatur abuſus et maneat uſus*, let the matter be regulate by Acting in it, according to the word of God, which fully

fully and clearly discovers, what both Church-Judicatories and People, may, or may not do in the case. But on the contrary the abuse and offensiveness of *unnecessary & unwarrantable* institutions, does strongly militate, against their farther use. If the Presbitry do at any time miscarry, in a way that they are warranted by God to follow, we must pray that God may purge his own House, and purifie the Sons of *Levi:* And the help and assistance of Superior Church-Judicatories, must be made use of. And in cases of general and publick defection, the Civil Magistrate may employ his power, *circa Sacra.* But those mistakes, can never warrand us to leave the institutions of the infinite love and wisdom of God, and betake our selves to our own weak and witless inventions, in the matters of God. Christ's *promised presence* with his Church, may be a sufficient encouragement for his People, to cleave and adhere to him, in wayes of his own appointment: Whereas those who *go astray*, and *follow crooked Paths*, ingyring themselves, as *Officious* and *Busie Bodies*, in the affairs of the Church, without a Lawful Call; can expect nothing, but that God in his Justice, should leave them to be a Snare, both to themselves and others Certainly, were these things really believed (as all pro-

fess

seſs they do) peoples practiſe would be very far different, from what it is. But ſuch is the Atheiſm of mans heart, that *while we confeſs the truths of God with our Lips, our Hearts are too oft far from him.*

IV. I begin now to be weary, of noticeing ſuch trifles. And the truth is, it might be amazing, to hear men otherways rational, offer ſuch empty pretences, inſtead of Solid and Convincing reaſons, if the cauſe would admit of any better. But it is *Vitium Cauſæ*, and ſo we need no more admire, to ſee a weakneſs inevitably cleave to the ableſt Wits, in the defence of what is unjuſtifiable, than to ſee the ſtrongeſt of men, ſuccumb in raiſing a weight that is above his natural ſtrength to undergo. The ſtrength of mens Spirits, as well as of their Bodies, have their limits, and are not infinite. And ſince I mind nothing farther that can be objected, but what with very much eaſe, may receive a full ſolution, from the Grounds already repreſented, I think it will be needleſs, to give either the Reader, or my ſelf, any farther trouble on this Subject.

V. I ſhall only add, that it is the duty of all God's People in this land, to wreſtle with God, that he may incline the hearts of all Ranks of Men, in their ſeveral ſtations and capa-

capacities, to return to a hearty and cordial Compliance with, and a chearful Acquiescence in the just and rational Determinations, that were once made by publick Authority, in this Nation, both in this, and other steps of a true Reformation. And that the Lord may not be provoked by a too open Contempt, of the Gospel of Peace (the *Crying Sin* of the Nation) and our sinful slighting of his Mercies, to suffer his Church, after so much wrestling, to sink under her present Bondage and Captivity, by reason of this, and other unjust and grievous usurpations, into which after so many, and great Deliverances, we are again, for our Sins, brought into Subjection.

FINIS.
